

1 MAJOR EUGENE OLAFF, sworn.

2 EXAMINATION BY MR. FORTUNATO:

3 Q How long have you held the rank of major?

4 A June 1st, 1967.

5 Q What were you before that date?

6 A Assistant operations officer. I was a captain.

7 Q How long have you been a member of the state police?

8 A 21 years.

9 Q Will you describe your general duties and your
10 present position.

11 A Well, I serve on the Superintendent's Staff and I
12 have the responsibility of coordinating all field operations
13 pertaining to the uniform division.

14 Q To whom do you report?

15 A Directly to the Superintendent.

16 Q How many majors are there in the state police?

17 A Three.

18 Q What are their names and what are their general
19 duties?

20 A Major John Buffin, deputy superintendent
21 administrative officer. Major Victor Galassie, our
22 investigation officer.

23 Q When did you first have duties in connection with
24 riot control?

25 A This is kind of a general question.

1 Q Did it precede the Newark riots?

2 A Yes, sir.

3 Q How long before?

4 A About two years. I believe this was as a result
5 of the meeting that was held in August of 1965. What date
6 it was, I don't know, but I believe there was a meeting
7 with the governor and certain officials, various mayors from
8 the metropolitan cities, at Newark Airport. Colonel Kelly
9 was invited to attend this meeting.

10 Q Do you recall who was present at this meeting?

11 A I know Attorney General Sills was there, General
12 Cantwell, Colonel Kelly, Mayor Addonizio, and I believe the
13 mayors from Paterson, Jersey City and all your larger cities,
14 and Governor Hughes.

15 Q Were you there?

16 A No, sir.

17 Q What other meetings were held after that time, if
18 any?

19 A Well, as a result of that meeting, it was agreed
20 between General Cantwell and Colonel Kelly that there was
21 a need to develop liaison between both our organizations in
22 the event that a riot did occur. That year we held a meeting
23 and we invited all the commanders of the National Guard and
24 their counterparts, which would be our troop commanders, our
25 captains in our organization, to attend this meeting. We

1 discussed individual missions and we resolved policy at that
2 time as to what the role of the state police and the National
3 Guard would be in the event we were committed to any
4 municipality.

5 Q Did you come to a conclusion as to roles?

6 A Yes, sir.

7 Q What was that conclusion?

8 A That the National Guard would only go in on the
9 request of Colonel Kelly. In other words, that the state
10 police would have to be in first before the National Guard.

11 Each subsequent year, we have had additional meetings
12 with the National Guard. In fact, it was only in May of
13 this year that we had our meeting on a regional basis in
14 Morristown, Freehold and Hammonton. We again brought in
15 the commanders. These were the commanders of the brigades
16 and regiments and so forth. They met with their counterparts
17 in our organization and they exchanged information. We went
18 over our missions, our individual missions. We reviewed our
19 logistics, what would be available in the event we were
20 committed.

21 Q You spoke of liaison with the National Guard as
22 coming out of these original meetings. What about liaison
23 with the cities, the local police force?

24 A Let me go back two years again.

25 Q Go ahead.

1 A As a result of these meetings, on the instructions
2 of Colonel Kelly, our troop commanders were instructed to
3 visit these large cities and develop plans. We prepared a
4 resource outline for them which indicated, for instance,
5 what would be our assembly point in the event we were
6 committed, and we had alternate assembly points. Also, what
7 were the resources of the individual police departments,
8 who was the responsible officer in charge and so forth,
9 what their logistics were. In addition to that, they were
10 to obtain maps and indicate where potential trouble areas
11 might be in the municipality.

12 Q What steps were taken to implement this plan with
13 the local municipalities?

14 A Well, our captains, our troop commanders, met with
15 the chief of police or his representative, whoever he
16 designated to give us this information and so forth.

17 Q This information was obtained?

18 A Yes.

19 Q I take it you have this information on file at
20 the state police headquarters.

21 A Yes, it is a matter of record.

22 Q What cities were involved? Don't give us all of
23 them, just the major ones.

24 A Newark, Jersey City, Paterson.

25 Q How about Camden?

1 A Asbury Park, Camden and Atlantic City, among many.

2 Q Englewood?

3 A Englewood.

4 Q I take it we have discussed one aspect of what I
5 might term "pre-riot planning." What other aspects of pre-
6 riot planning were there?

7 A In addition to this, may I go into the educational
8 part of that? Would you be interested in that?

9 Q Yes.

10 A For the last two years, each one of our troops
11 have what we call three crowd control units. The composition
12 is 50 men and one lieutenant, so that would give us three
13 crowd control units of 150 men and three lieutenants in each
14 troop. Twice a year they meet and they conduct inservice
15 training primarily in riot control formation. These are the
16 normal accepted riot control formation squads such as wedges,
17 diagonals and so forth. This has been an accepted crowd
18 control procedure for many, many years in police circles,
19 and I believe the Army also uses these procedures.

20 In addition to that, we felt it was necessary for
21 additional firearms training for our people, and with the
22 assistance of the National Guard we selected individuals in
23 the reserve troops and classified them as riflemen.

24 At that time, we selected 30 men based on their military
25 background and so forth from troops A, B and C, which gave

1 us a total of 90 men. In addition to that, we had five men
2 from our turnpike and five men from our parkway commands.
3 I believe that gave us a total of 100 men.

4 Q What is the purpose of selecting riflemen?

5 A Well, if an individual has had some experience
6 with a rifle in the Army, Marine Corps and so forth, we felt
7 it would save on training time. He would be acquainted with
8 the weapons and it would add to the training.

9 Q But, they aren't geared specifically toward
10 returning sniper fire, are they?

11 A They are taught the elements of the M-1. They are
12 sighted in according to the individual, and the individual
13 was assigned to the weapon.

14 Q What other forms of equipment are considered as
15 part of your riot control training?

16 A Well, we have plastic helmets, and we have goggles
17 for the protection of the eyes. Are you talking about all
18 equipment?

19 Q Yes.

20 A We have the Winchester riot shotgun. This is a
21 12-gauge shotgun. We also have a Rising gun, which is a
22 45-caliber semi-automatic rifle. I believe we have three
23 sub-machine guns, which we didn't use at Newark or Plainfield.
24 We also have bandoliers for shotgun shells and the necessary
25 equipment that goes along with this.

1 Q Estons?

2 A Estons, yes.

3 Q Any form of gas?

4 A Yes, we have tear gas.

5 Q In your training in connection with this, do National
6 Guard units participate with the state police in riot control
7 training?

8 A No, sir. You might say the only training that we
9 have had with the National Guard is on staff level,
10 coordinating our commands and exchanging our viewpoints,
11 developing our liaison and going over our existing plans.
12 That is what it amounted to.

13 Q Do local police train with the state police
14 pertaining to riot control?

15 A No, sir.

16 Q Can you tell us what other phases of pre-riot
17 planning there is? For example, is it your practice to send
18 observers into cities in which there is a potential trouble
19 area?

20 A This would be part of our overall plan, moving
21 into a city. It has been the policy of our department for
22 years that on any incident that would occur in a city or
23 municipality that would be brought to our attention which
24 we felt may be explosive, we would immediately contact our
25 troop commanders.

1 Maybe I should explain our set-up, our table of
2 organization which would give you a good picture.

3 Q Please do.

4 A Our division is divided into five groups. We have
5 Troop A, which is responsible for the southern part of the
6 state and has a complement of approximately 260 people.
7 They are also responsible for the Atlantic City Expressway.

8 We have troop B which is in Morristown and they are
9 responsible for the northern part of the state.

10 We have troop C which is responsible for the central
11 part of the state, the headquarters of which is located in
12 Princeton.

13 We have the turnpike command, better known as troop D,
14 and we have our parkway command, troop E.

15 In addition to that, our areas of responsibility are
16 defined as cooperative, partial or full. In each group, our
17 troop commander would be responsible for all these
18 municipalities regardless of what categories they are placed
19 in. For instance, the city of Newark would be a cooperative
20 responsibility. They have their own organized police
21 department but from time to time we serve them in a
22 cooperative fashion by some of the technology that we may
23 have available for them in our department, such as documents
24 and so forth, things like that.

25 Partial would be where a municipality has a police

1 department but it is not considered an organized police
2 department. It may be a chief and maybe one man or two men,
3 and maybe just recently organized. We would continue to
4 answer calls, complaints, that would originate in these
5 areas.

6 A full responsibility is where there is no police
7 department and we would serve it 100 per cent.

8 Q I wish you would trace for us how the information
9 that may be gathered from an observer is reported back to
10 you, or whoever it is.

11 A We would operate through the troop commander. We
12 would request or instruct him to assign two observers, always
13 two. They would report to the community. They would report
14 to the police department and advise the police authorities
15 in that community that they were in there.

16 Their purpose would be to evaluate the situation, report
17 back through channels to the Superintendent of what the
18 situation would be. We in turn keep the Attorney General
19 apprised, and he in turn keeps the governor apprised of the
20 situation. This would apply to strikes, emergencies, anything
21 that might be of a nature that would affect state government.

22 Q How are these observers selected?

23 A We usually select our C.I.S. personnel. This is
24 our plain clothes people.

25 Q Do they have special training as observers?

1 A Their training would only be the experience that
2 they have gathered, plus their educational training or
3 refresher training that is received as investigators.

4 Q When they are not observing, what are they doing?

5 A Investigating. They are plain clothesmen assigned
6 to our organization.

7 Q Let's take the situation where an observer reports
8 back to you. I take it you had observers around the Newark
9 scene.

10 A Yes.

11 Q Do you know how long before the riot they were on
12 the scene, approximately?

13 A What night are you talking about? We have had
14 observers in attendance at board of education meetings and
15 we have had them attending the planning board meetings
16 concerning the Newark medical site, keeping us apprised of
17 the situation as to who was involved and so forth, and what
18 the situation appeared to be.

19 When this incident developed involving the taxicab
20 driver, we immediately dispatched our people into Newark.
21 They operated right out of the Newark city police headquarters.
22 They kept us apprised of the situation. As soon as this
23 happened, when they apprised us of what was going on, we
24 immediately put our entire organization on stand-by alert,
25 which would mean that all our people would be available by

1 means of a telephone call to return back to duty.

2 The night in question when all this started, we did have
3 Lieutenant Mount and several other detectives, which is a
4 part of the record as to who was there that night.

5 Q Who is Lieutenant Mount?

6 A Lieutenant Mount is the C.I.S. officer assigned
7 to troop B. He is a member of Captain McElroy's staff and
8 he is responsible for the criminal investigation function
9 of troop B in Merristown.

10 Q Would it be accurate to say the observer would
11 report to Lieutenant Mount; Lieutenant Mount to Captain
12 McElroy; and Captain McElroy to yourself?

13 A Absolutely.

14 Q You indicated that the observers function in
15 conjunction with the police of the local municipality, in
16 this particular case, Newark. How does that work? Is the
17 observer sometimes in the company of a Newark policeman,
18 for example?

19 A I would say at most times--in the city of Newark
20 in this case--he was right in police headquarters reporting.
21 For instance, he was at police headquarters when this
22 incident happened with the cab driver. They would know at
23 all times what our men are doing. We operate this way so
24 that this will eliminate any suspicion they would have of
25 why we were in their community.

1 Q Is there any information which the state police
2 had that the Newark police did not have in conjunction with
3 the Newark riot?

4 A As far as I know, no. They would receive
5 everything that we had.

6 Q In getting these reports back, and, in particular,
7 focusing on the Newark riot, what kind of considerations
8 and evaluations do you have to make in first going on
9 stand-by alert?

10 A I guess this would be a judgment decision. Here
11 again, you can understand that we were concerned about the
12 upcoming Black Power conference. I think this was the
13 national conference that was to come up the week of July 20.
14 We were already making preparations for that in the event
15 that something should happen.

16 Now, when this incident happened, based on preceding
17 meetings and the actions of some of these people at preceding
18 meetings, we felt that it would be rather foolish for us
19 for not taking precautions. We decided it was better to put
20 our division on alert, on stand-by alert, and have our
21 people available. Even if we didn't have to use them, we
22 felt this was a good decision.

23 Q You mentioned in this connection that you received
24 reports regarding the cab driver. Where were you when these
25 reports were received?

1 A At headquarters, division headquarters.

2 Q How long had you been there, do you recall?

3 A This would be July 12, a Wednesday.

4 Q How long were you on stand-by alert, in effect?

5 A Maybe I should explain what stand-by alert is.

6 Q Go ahead.

7 A Our men have what we call duty passes. When they
8 leave off duty, they may leave at 12 o'clock noon, they may
9 leave at five o'clock, and they may go off all week or on
10 a night pass, which would be a 15 hour night pass. They
11 leave a phone number at the station, the barracks or the
12 bureau headquarters as to where they can be contacted. As
13 a result, we could be on stand-by alert and be at our homes,
14 not necessarily at the barracks or headquarters.

15 This is what we did the night of the incident with the
16 cab driver. I was home at the time--and without referring
17 to the records I couldn't tell you exactly what time this
18 incident happened--but it was given to me. We have a regular
19 procedure. We have a duty officer on stand-by at headquarters
20 and anything that comes up of this nature, they are to notify
21 me, either Captain McBride or myself immediately, and then
22 we take it from there.

23 Q Upon receiving this report, what steps did you take?

24 A As soon as we heard about the incident, we put
25 everybody on stand-by alert. The next day we were there all

1 day and all night at division headquarters, and the records
2 will show that I left division headquarters for Newark
3 somewhere around four o'clock in the morning.

4 Q Is that Friday morning you are talking about now?

5 A Yes, sir.

6 Q The 14th of July.

7 A Yes, sir.

8 Q You also indicated that you sent observers to the
9 Newark scene.

10 A Yes, sir.

11 Q When, July 12?

12 A We had them there on the 13th. That was the night
13 of the incident with the cab driver.

14 Q The night of the cab driver was July 12.

15 A Then, we had them there on the 12th and we also
16 had them there on the 13th. In fact, we sent our communications
17 people up there the morning of the 12th to set up our command
18 post.

19 Q Is this all standard operating procedure up to this
20 point?

21 A Again, it is an evaluation decision that has to
22 be made, and that was our decision.

23 I might say at this time that Newark isn't the only
24 place that we have our C.P. developed. For instance, prior
25 to the Roseville Armory, we had set up the city of Paterson.

1 We sup up a C.P. there, and for the last two years we have
2 been working with the Bell Telephone people exchanging
3 information that we had on our potential C.P.'s, where we
4 operate from. This was so that they could determine what
5 would be needed in the way of trunk lines and so forth in
6 the event we did go into operation.

7 Q Focusing on the Newark situation, do your records
8 indicate when state police assistance was first requested
9 from anyone in any official capacity in Newark?

10 A I will make reference to the records to be accurate.

11 Q For the record, your understanding is that you
12 are going to leave those books with us after you have
13 finished referring to them.

14 A Yes, sir.

15 If I remember your question correctly, our first contact
16 with the Newark city police requesting state police assistance
17 was at 1:37 a.m. This is the morning of July 14. Captain
18 McHirey, who was our troop B commander, phoned me at division
19 headquarters and advised me that he had received a request
20 for state police assistance from Deputy Chief Redden. He
21 asked me to contact Chief Redden.

22 At 1:40 a.m.--three minutes later--I phoned Deputy
23 Chief Redden and he apologized and rescinded the request
24 for assistance, advising that he had been overridden by Mayor
25 Addonizio and they had decided to ride out the night without

1 assistance. That was our first contact.

2 Q Prior to 1:37 a.m.--and I take it that would be
3 Friday morning, July 14?

4 A Yes, sir.

5 Q Had you been in touch with either Acting Chief
6 Foley or Deputy Chief Redden?

7 A Yes, sir, I believe. Our first report at
8 headquarters from Acting Chief Foley was 8:35 p.m.

9 Q This is 8:35 p.m. on Thursday?

10 A July 13.

11 Q Right.

12 A He phoned with reference to conditions in the
13 Fourth Precinct, on 17th Street and Livingston Avenue, in
14 Newark, indicating he expected trouble.

15 Q Was there a subsequent contact from anyone from
16 the Newark police department after the 8:35 call but prior
17 to the one at 1:37 a.m.?

18 A Yes, sir. At 10:52 p.m., Acting Chief Foley called
19 again about the Newark situation. It was a progress report.
20 There is quite a lengthy paragraph here. He described the
21 area that was affected on Springfield Avenue and reporting
22 that there was looting and fires. He also stated that he
23 had 400 men committed to duty, of which 250 men were
24 committed to the troubled area.

25 Director Spina was present in the Fourth Precinct and

1 there had been no mention of requesting state police
2 assistance. Chief Foley also advised that the situation was
3 within ten blocks of Irvington, and that the Irvington police
4 department had been notified.

5 Q Were you at this time receiving reports from your
6 observers either directly or through Lieutenant Mount or
7 Captain McElroy?

8 A Yes.

9 Q Had they formed an opinion as to the necessity for
10 sending in the state police?

11 A We have an omitted entry here which I think I should
12 bring to your attention.

13 Q Go ahead.

14 A It is listed at 11:35 p.m. We have it marked as
15 an omitted entry which would read 10:10 p.m. Inspector
16 Donnelly of the Newark police department phoned for the
17 chief at this time--the chief would be Acting Chief Foley--
18 requesting assistance from Major Olaff. Major Olaff advised
19 Inspector Donnelly that the request would have to come from
20 the governing body through the Governor.

21 Q Do you have a present recollection that you did
22 so advise Inspector Donnelly?

23 A It is in the records here, yes. I might say these
24 are excerpts from the many entries that we have in the log
25 that was maintained at our command post in division

1 headquarters. We also have a log that was maintained at our
2 command post at the Roseville Armory in Newark and all
3 pertinent information is logged in that which will be
4 available to the Commission should they want it.

5 Q. What expressions of opinion were you receiving
6 from your observers, either directly or through their
7 superiors, regarding the necessity for state police
8 assistance?

9 A I am looking for the opinion on the part of
10 Lieutenant Mount. We have many entries here from Lieutenant
11 Mount reporting the situation on the progress report. If
12 you are interested, just very quickly I can itemize them
13 to you.

14 At 12:21 a.m., July 14, he telephoned and talked to me.
15 At the same time, I had Attorney General Sills on the phone
16 so we had a three way conversation going. The report was
17 as follows:

18 "Presently, bands of eight to 15 people are traveling
19 on foot and in cars looting and starting fires. Four
20 policemen injured. Four new areas have broken out within
21 the past 15 minutes. There is still no organization within
22 the Newark P.D. All available land transportation in use.
23 The Fourth Precinct appears to be running their own show.
24 There are no barricades. No request for state police
25 assistance from Director Spins. Lieutenant Mount given

1 instructions to attempt a survey of the area and report
2 back."

3 The next entry is 12:30 a.m. "Detective Fainer, our
4 communication man who was up in the Armory early in the
5 morning, as I told you, called and advised that there are
6 three colonels, seven drivers and six personnel carriers at
7 the Roseville Armory from the New Jersey National Guard."

8 So, the National Guard was there at 12:30 a.m.

9 Q This is all prior to the time that a request for
10 assistance was presented officially.

11 A Official request for assistance had to originate
12 from the Mayor through the Governor to us. We had received
13 several requests prior to the one that did authorize us to
14 activate our people.

15 Q I believe you told us that the original request
16 came in some time around 2:20 a.m. on Friday, July 14.

17 A Yes.

18 Q What did you do?

19 A Well, actually I received a call at 2:30 a.m. from
20 the Attorney General. He advised me that the Governor had
21 received a request from Mayor Addonizio. I understand that
22 this request had been at 2:20, the request that the Governor
23 had received. I immediately contacted Colonel Kelly to
24 advise him about it and he in turn was instructed by the
25 Attorney General to call Mayor Addonizio. I was instructed

1 to call Director Spina to start coordinating our mission,
2 which we did.

3 Q You called Spina?

4 A Yes, I called Director Spina.

5 Q What happened after that?

6 A I called Director Spina at 2:39 a.m. and told him
7 that our people would be moving in. We discussed the mission
8 of the state police very briefly and advised him that we
9 would meet him at the Roseville Armory to discuss our plans.

10 Q What did you tell him at that point in time about
11 the mission of the state police?

12 A That we would be responsible for the troubled area,
13 that if we moved in, that we would concentrate on the
14 troubled area and then we would coordinate further planning
15 with him when we arrived there, which we did.

16 Q About what time did you arrive?

17 A I remained at division headquarters for the time
18 being activating our various troops. In the meantime, Colonel
19 Kelly immediately departed from home--I believe he was at
20 home--for Newark. I departed for Newark at 4:50 a.m. In
21 the meantime, we had activated our troops A, B and C.

22 I might say at this time that in anticipation of this,
23 we had already drawn up our teletype and had it all set up
24 by tape indicating how many men we would need from each
25 troop. Captain McElroy in troop B had his 100 men ready to

1 go. They were all ready to go and he had his teletype message
2 all ready to put in, in the interests of saving time.

3 Q When did you draw up this teletype?

4 A I have the times here when we sent it out.

5 Q Some time earlier Thursday evening, July 13?

6 A It was before midnight, yes.

7 Q Then, I take it some time Friday morning, early,
8 you arrived at the Newark scene.

9 A Yes, sir.

10 Q Can you briefly describe what you observed upon
11 your arrival.

12 A I have some notes here if I can refer to them.

13 Q Of course, you are permitted to refer to your notes
14 but I am interested also in your recollections now.

15 A We got to the Armory, and by the time I had gotten
16 there we had received the personnel that reported from troop
17 B. In fact, I believe I have the table here.

18 We had 102 men from troop B report in at 5:30 a.m., so
19 actually it took us two hours from the time I notified them
20 to have 102 of our state police personnel there.

21 At that time, after talking with Director Spina and
22 Deputy Chief Redden, who was there at the time and gave us
23 a pretty good idea of where the trouble location was, we
24 had our own maps and we developed a perimeter with the
25 personnel we had from troop B. Of course, our mission would

1 be to contain the area and then eventually divide the area
2 into patrol sectors and have mobile patrol patrolling the
3 sector perimeters.

4 The primary patrols, the first patrols that we sent
5 out there, were four troopers in each car and two cars to
6 a patrol. They were black and white cars, marked cars, and
7 they were assigned these perimeter patrols until such time
8 when the remaining state police personnel reported.

9 A personal reconnaissance was made of the entire area
10 by the Governor and his staff, Colonel Kelly, General
11 Cantwell. As a result of this reconnaissance, we developed
12 our patrol sector plans and coordinated them with Inspector
13 Dughie from the Newark police department. It was decided,
14 as the map would indicate, that we would set up a perimeter
15 which would cordon off an area. This consisted of setting
16 up road blockades at 137 intersections. Of these 137 points,
17 we designated 19 of these posts as check points whereby
18 traffic and pedestrians would be allowed to go through. At
19 each one of these check points, it was decided to put a
20 Newark police officer because he was familiar with the area
21 and he would be the one to decide whether or not the
22 individual was foreign to the area or should be permitted
23 into the area.

24 Now, we developed this plan by 12 o'clock noon. We
25 had this plan set up and we assigned sectors to the individual

1 troop commanders of A, B and C. They operated these areas
2 of responsibility like they would operate their troop.

3 If I could open this map and make reference to it, it
4 would be helpful. I also have a map.

5 Q While you are doing this, would you be able to
6 indicate to us what part of this planning was done in advance.
7 In other words, do you have a riot control plan that can
8 go into effect when you come into a city such as Newark
9 when such an incident occurs?

10 A May I say this, that we do have an emergency
11 procedure plan which would apply to hurricanes, burnings,
12 bombings, which is coordinated with civil defense and the
13 National Guard. This would take into consideration your
14 riot control. Actually, what this plan does is set up
15 procedures, staff functions, on how we are to develop our
16 command posts, our C.P.'s and so forth, and the individual
17 by title who would be responsible for these functions. It
18 would be a matter of supplementing these emergency procedures
19 with maps of the area, and dividing it into sectors which
20 could be decided at the time of the incident.

21 In addition to that, we have a riot control manual
22 referred to in our organization as Training Regulation Number
23 One, which describes all our riot control formations. It
24 also describes the use of the baton and it goes into court
25 decisions on strikes and things like that, so it is pretty

1 complete. We have distributed it all over the country.

2 Many police departments have asked for it and we have

3 supplied it. They experienced a situation where their plan

4 was So, when you talk about an individual riot control plan,

5 you are referring to several plans that we have existing in
6 our organization. That was their instruction.

7 Q Let me stay here for the moment. What instructions
8 in addition to the riot control plan were given to the state
9 police? For example, what were they told as to the use of
10 fire power? They came back and over the air they reported

11 A Annually, we receive refresher training. It may
12 be three days a year, it may be five days or it may be two
13 weeks, and part of this refresher training is arrest
14 procedures with the use of force. Not a firearms expert but

15 In addition to that, as part of our semi-annual training
16 on riot control, of course arrest procedures and the use of
17 force is covered again. I think you would have trouble

18 Q Were there any specific instructions given on the
19 morning of Friday, July 14 in addition to that?

20 A Yes, sir. When our people reported to us by troops,
21 we had our briefing session. In fact, I briefed them and
22 one of the things we covered was the use of force referring
23 them to their refresher training. Of course, one such
24 incident when we can use force is in self-defense. This is
25 what they were told, in self-defense.

1 There were no instructions given to them about taking
2 lives and looting and so forth, but definitely they were
3 told that if they experienced a situation where their life
4 was at stake, that they had a right to defend themselves
5 even to the point of using the extreme force which would be
6 the use of firearms. That was their instructions.

7 Now, when our first men went out, those men that had
8 shotguns had number nine shot. When they went out in the
9 field, they weren't out there too long when they experienced
10 sniper fire. They came back and over the air they requested
11 the right to use double "o" buckshot. We have number nine
12 shot and double "o" buckshot.

13 MR. LEUCHTER: What is the difference?

14 THE WITNESS: I am not a firearms expert but
15 I know double "o" buckshot is known as quarter
16 inch pellets. Of course, number nine shot is
17 very fine shot. I think you would have trouble
18 killing a squirrel with number nine shot. It is
19 like a spray, very, very minute.

20 Any policy decision such as that is cleared
21 through the Superintendent. Colonel Kelly was
22 out on reconnaissance at that time with the
23 Governor, and we got him on the air and explained
24 the situation to him. He gave us permission to
25 load our shotguns with double "o" buckshot.

1 MR. LEUCHTER: May I ask you the purpose of
2 the quarter inch pellets. If the number nine is
3 just to frighten people, why did they request
4 something different?

5 THE WITNESS: If a man was defending himself
6 and if his life is at stake, number nine shot would
7 not be the shot to use. That would be to
8 discourage a crowd from advancing and so forth,
9 without inflicting too much injury to the crowd.
10 It would be like a sting. It is a very fine shot.

11 In this case here, our men were experiencing
12 a lot of looting, and I think I did see a chart
13 originating from the Newark city police department
14 indicating that there were over 900 arrests made
15 on Friday, which would be the highest point of
16 activity during the three days we were there. This
17 was the morning of that day when we received this
18 request from our people.

19 (Discussion off the record.)

20 MR. LEUCHTER: May I clarify my mind in one
21 point. Did you have your trucks in readiness at
22 troop headquarters for the possibility that you
23 might have to use them in Newark?

24 THE WITNESS: Newark or anyplace else, yes.

25 MR. LEUCHTER: It wasn't that you had moved

1 of the ... them into Newark.

2 THE WITNESS: No, sir.

3 Q I think you were at the point where you were making
4 patrols.

5 A Yes, sir. At that time, each commander, each one
6 of our troop commanders was aware of his responsibility and
7 he set up his patrol. It was determined at that time, with
8 the amount of looting that was going on, that a patrol would
9 consist of four vehicles. The lead car would be a state
10 police car. The middle two vehicles would be Army vehicles,
11 one would be a jeep and one would be a six by six to carry
12 anybody that would be arrested so that they could be
13 processed at Newark police headquarters.

14 Q What was the chain of command? Were the state
15 police, for example, over the National Guard?

16 A The National Guard supported our mission.

17 Q Who told the National Guard where to go?

18 A Again, we are talking about missions. When we
19 had our staff meeting with General Cantwell, Colonel Kelly,
20 Colonel Sharp--who is the operations officer, my counterpart
21 in the National Guard--and myself and our commanders, we
22 described missions. In this book, you will see an operations
23 report that was submitted to us by the National Guard which
24 will in detail depict their mission.

25 Without going into a lot of detail, for instance, one

1 of the missions of the National Guard was to man these 137
2 posts, three Guardsmen at each one of these intersections.
3 That was one of their missions.

4 In addition to that, they would assign ten men in squads
5 to each block along Springfield Avenue. This is the type
6 of missions we are talking about.

7 In addition to that, they would assign personnel to us
8 as far as our mobile patrols were concerned. This was
9 understood and agreed upon. This was requested and decided
10 upon between Colonel Kelly, General Cantwell and their
11 respective staff.

12 Q Did you have a liaison officer between the National
13 Guard and the state police?

14 A I might say that I have been working with Colonel
15 Sharp, who is the operations officer for the National Guard,
16 for the past two years. I have met with him constantly. I
17 have had telephone conversations with him as often as three
18 or four times a week on any intelligence matters.

19 This is one thing the National Guard does not have,
20 intelligence of the cities. They have to depend on us for
21 intelligence and anything that would be developed. If we
22 were to receive information that an incident might occur,
23 we immediately got in touch with Colonel Sharp or his
24 assistant, if he was not available, to alert them. We would
25 advise them of what we were doing and we would give them

1 progress reports.

2 In addition to that, we invited Colonel Sharp and his
3 people to participate in our state police operations down
4 at Lamington when the Ku Klux Klan was going to be active
5 there. We invited him to participate as an observer at the
6 Governor Wallace detail in Princeton when Governor Wallace
7 came into Princeton and spoke, so he would get the feeling
8 of the state police operation and how the National Guard
9 would fit in in the event we would need them.

10 Q Will you describe your operations with the Newark
11 police insofar as the chain of command and liaison.
12 Specifically, who deployed Newark policemen to X spot?

13 A At that time, I believe I made reference to it
14 before that Inspector Dughis was assigned to our command post
15 and that he was the liaison man for the Newark police
16 department with the state police and the National Guard.

17 (Discussion off the record.)

18 Q While we are discussing this chain of command,
19 who is responsible for protecting the members of the Newark
20 fire department?

21 A When the request came in to us to supply personnel
22 to assist in providing protection for the fire department--
23 and this request, incidentally, came from the fire department--
24 we suggested that they get in touch with the Newark police
25 department, being that this was a function of the municipal

1 police department. Of course, they called back and told us
2 that Newark did not have sufficient personnel available to
3 provide this protection. However, I understand that later
4 on it was resolved and they did assign Newark police to them.

5 Subsequently, again manpower was the problem, it was
6 decided to assign National Guardsmen to provide this type
7 of protection to the fire department. This is a matter of
8 record. I would assume that the National Guard would be
9 able to fill you in on that.

10 Q What was the position of the state police in this
11 regard in view of their over-all objective? Let's say that
12 again, what were the over-all objectives of the state police
13 once they had arrived on the Newark scene?

14 A Our mission was to restore, to suppress the riots.
15 First of all, it was to restore law and order in the troubled
16 areas in the city of Newark and then move out.

17 Q We have had some testimony concerning the
18 communications set-up. There has been talk of the fact that
19 perhaps it would have been better to have one receiver or
20 one transmitter or one radio frequency, and that this was
21 not the case in the Newark riot. Do you have any comment
22 on that?

23 A Possibly if I could describe our command post as
24 to how it operates communicationwise, you would have a good
25 picture.

1 When I talk about a command post, I am talking about
2 a number of rooms located in the Armory. One room is set
3 aside for radios; another room is set aside for telephones;
4 another room is set aside as a sub-command post for troop A,
5 troop B and troop C. Each one had their own sub-command
6 post. There was a staff room for the National Guard, state
7 police and city police. There was a staff room for the
8 Governor and his staff. You are speaking of rooms for
9 National Guard commanders and so forth. When I talk about
10 a command post, we've got to look at the over-all picture.

11 In the communications room, side by side, we had Newark
12 radio communications and we had the state police communications.
13 In another room, removed from our C.P. but in the same
14 locality, we had the National Guard radio. Now, whether one
15 frequency would be the answer to this, I don't know. I
16 don't feel that I am qualified to answer that. It would
17 help, but I am thinking about the amount of traffic on one
18 frequency where you would have one organization cutting off
19 another organization. In the set-up we had here, we had
20 the Newark radio man and his radio and our radio man and our
21 radio, and they were both available listening to what was
22 going on and we could coordinate all our intelligence and
23 all our transmissions together.

24 However, you must remember that the numbers of the
25 telephones that we had in our command post were not available

1 to the citizens of Newark. The only number that they would
2 call would be Newark if they had a complaint. This would be
3 a normal practice with them anyway. We had no way of getting
4 this number out so that any complaints that they received
5 in the area, and when I say area I mean the area in which
6 we were patrolling, the Newark police would dispatch their
7 cars to the scene. We had maps with grids in front of each
8 communicator, Newark and the state police. We would
9 immediately search out the area. If it was in sector one,
10 for instance, where we had a patrol, we would alert them to
11 it and give them the location by grid because many of our
12 men were not familiar with the streets. For instance, we
13 may say that there was a complaint received and we would
14 give them the street number, but we would also give them the
15 grid number. They had these small maps themselves,
16 corresponding maps in the patrol cars so they could look
17 it up and proceed to the location. Many times, the Newark
18 police in answering the complaint would stop alongside one
19 of our cars and advise them as to the nature of the complaint.
20 If they felt assistance was needed, they would dispatch
21 another patrol vehicle.

22 CHAIRMAN LILLEY: The number that you
23 that many indicated that the citizens of Newark had that
24 really was in the hands of the Newark city police, would
25 had been it have been possible for a state policeman to be

1 great way at that incoming point to catch the messages as
2 mission they came in to the Newark police?

3 THE WITNESS: Yes. In fact, we did have
4 people assigned to the Newark city police
5 headquarters. We had a detachment there for two
6 reasons: One was to process any arrest that we
7 would make, and also to coordinate intelligence
8 between their department, the Newark department,
9 and the state police. They were in a position to
10 overhear these radio calls, telephone calls, as
11 to what was coming up.

12 CHAIRMAN LILLEY: Is it a fair inference
13 then that, in effect, the state police did know
14 through the status of calls that were coming in?

15 THE WITNESS: Not in every situation because
16 the calls were coming in so numerously that it was
17 really difficult to keep up with everything. Like
18 any operation, whether it is in business, police
19 work or what, you have to break down areas of
20 responsibility because it was of such magnitude
21 that one man could not possibly handle everything.

22 Still on this point, I read or heard somewhere
23 that many calls that came in to the Newark police receiver
24 really were not relevant to the riot question, and if there
25 had been only one frequency you would have been getting a

1 great many calls which really had nothing to do with the
2 mission of the state police.

3 A That is a very good point, because we were only
4 concerned again with--and I am only estimating--with about
5 two thirds of the populated area of Newark, so that meant
6 that there were many calls being received from outside the
7 critical area that if we did have one frequency that could
8 be used for emergency and have a frequency that could be
9 used for emergencies pertaining to the riot, I think it
10 would have been of some assistance to us.

11 We did run into some difficulty with our radio
12 communications with the National Guard and we are taking
13 steps to provide them with some direct means, possibly
14 through the purchase of handy talkies or some base radio,
15 where they would be in direct contact with us radiowise.
16 This was one of the reasons for marrying up our patrols.
17 We had a state police vehicle, two National Guard vehicles
18 and then one state police car. This was a four vehicle
19 patrol so that we had communications with one another in
20 that fashion, the mobile patrols did.

21 Q In terms of other equipment, forgetting now about
22 communications, do you have any comment as to the kind of
23 equipment that was used during the riot, for example, the
24 absence of tear gas? You indicated in your training, if I
25 can be more specific, that there were various kinds of

1 equipment.

2 A Yes.

3 Q You also mentioned tear gas and gas masks. I am
4 not suggesting that tear gas should have been used, I am
5 not making any suggestion one way or the other, but do you
6 have any comment as to why it wasn't used?

7 A Here again, it is a judgment decision on the part
8 of our commanders out in the field. When I speak of
9 commanders, I am talking about sergeants as well as lieutenants.
10 If you have a situation where you have a sniping incident
11 and the sniping is coming from a 14 story building, tear gas
12 would have little effect under this situation.

13 Again, it was a judgment decision. We did not experience
14 mobs where we are talking about several hundred people
15 marching down a street, they were in small groups. Tear gas
16 is primarily to be used to disperse a mob, to break them up
17 into smaller groups. None of our people experienced a
18 situation where they felt that gas would be necessary.

19 Q How small were these groups that you are talking
20 about?

21 A They may have ranged from eight in a group to maybe
22 15 or 20 in a group. This presented no problem to our patrols
23 because we had a four vehicle patrol and we had no difficulty.
24 We had four men in the first car. We had a Newark city
25 policeman in that first car and he proved to be very

1 beneficial to us because he knew the area. We had three
2 National Guardsmen, and then we had two National Guardsmen
3 in the six by six and two of our state police, and we had
4 three state police in the rear, so we had sufficient
5 personnel to take care of these small groups in the event
6 we had to.

7 Q I have also heard that if you had to use the tear
8 gas, it was possible that the Newark police would also be
9 affected by the tear gas.

10 A All our men were equipped with gas masks. From
11 the information that I have, as far as I know, not all Newark
12 city policemen were so equipped, and this would present a
13 problem.

14 Q You mentioned before sniping.

15 A Can I add one more thing about the area of
16 responsibility?

17 Q Sure, go ahead.

18 A It was later that morning, I believe it was Friday,
19 that we realized that we better set up some security around
20 the Armory. It was at that time that I made the decision
21 to call in our division headquarters personnel, and they
22 came down with about 60 people. Their mission was two-fold,
23 to provide security around the Armory and to handle all these
24 extra details that would come up as to transportation and
25 so forth, security.

1 It was a good thing that we did do that because one of
2 our people did make an arrest outside the Armory of an
3 individual with a Molotov Cocktail about to throw it at the
4 Armory. It was also in that vicinity that we had an
5 individual arrested that came in with a rifle. I believe
6 it was a rifle, without my records I am not so sure. He
7 was dressed in United States Marine Corps fatigues, a reserve
8 group, and he was going to come in and help the National
9 Guard at that time. Our records will show that he got through
10 all the lines until one of our men became suspicious and
11 picked him up.

12 Q You mentioned sniping. What reports did you get
13 of sniping incidents?

14 A We received reports of sniping from the state
15 police, National Guard and Newark police, and from anonymous
16 callers on the phone. There were numerous sources.

17 Q What would the reports be like, that someone was
18 shooting somewhere?

19 A Right. As far as the police were concerned, that
20 they were either under sniper fire or pinned down. Of course,
21 we learned quite quickly that you don't commit all your
22 people to a sniping incident because sometimes they would be
23 unfounded.

24 Q What measures were taken to combat sniping?

25 A When our men were pinned down, they were instructed

1 to return fire if they were fired upon. Also, what they
2 would do would be to provide cover for our search team. Our
3 sergeants would delegate certain members of that patrol to
4 move into the building and search it. We would use this
5 procedure.

6 Now, you have got to understand that Friday, we feel,
7 was the height of all the activity based upon the number
8 of arrests that were made and so forth, and the number of
9 sniping incidents, which is a part of this book which you
10 will receive indicating the dates and the location where
11 these sniping incidents were reported. On that Friday night,
12 we got all the commanders together and evaluated the sniper
13 incidents reported. They were instructed to develop a task
14 force in each one of their areas of responsibility outlining
15 the buildings where sniper fire was seen coming from. That
16 morning, on Saturday, this task force went out in each
17 troop area and they searched these buildings, the hallways,
18 interviewed the people, and went up to the rooftops to see
19 if we could develop any intelligence and the identification
20 of any of the snipers.

21 I might say at this time that these efforts proved to
22 be negative. Nobody came forth with any identification
23 concerning the identity of a sniper, as far as I know.

24 Q As far as you know, no sniper has been arrested?

25 A Not as far as I know.

1 Q Have you learned anything from the riot as to how
2 to combat sniping?

3 A I feel we have. I think the responsible
4 authorities have realized that there has to be a re-evaluation
5 of their present tactics. This was a new experience for us.
6 It was the first time that we have ever experienced sniping
7 in our organization, and I think it is a new experience
8 throughout the country.

9 As a result of this, we have developed plans on searching
10 a building, and operational orders on how to combat sniping,
11 various kinds of patrols.

12 Q I don't mean to interrupt you, but maybe you would
13 care to comment in general as to what has been your post-
14 riot consideration not only in connection with sniping but
15 in other areas.

16 A I firmly believe that on the composition of your
17 patrols, depending upon the situation, you must consider a
18 number of vehicles to a patrol. In a patrol, as far as
19 the personnel are concerned, certain individuals should be
20 delegated the responsibility of searching the buildings.
21 Certain individuals in the patrol should be delegated the
22 responsibility of giving them proper cover.

23 MR. GIBBONS: If I may interrupt, can you
24 describe what you mean by cover.

25 THE WITNESS: Protection would probably be a

1 better word. In other words, an individual should
2 seek access into the building if they are under
3 sniper fire. This would be a basic military
4 maneuver. The cover would be to keep the individual
5 pinned down to allow entrance into the building
6 for the search team.

7 MR. GIBBONS: Would that involve cover fire?

8 THE WITNESS: It possibly could. The only
9 way you could avoid cover fire, from what I could
10 see, is probably moving into a building with an
11 armored vehicle and dispatching your people right
12 into the doorway.

13 A Yes, we have to take a hard look at the composition
14 of our patrols and the responsibilities of those
15 patrol members, and the training of these people
16 for their individual duties. We are now conducting
17 a course of instruction for all police supervisors,
18 police executives and supervisors, at our Sea Girt
19 Academy. We refer to this course as "Operation
20 Combine", and part of this course is the training
21 in these new techniques, and also logistics,
22 recommending as to proper equipment.

23 These people, these chiefs and their
24 assistants and their captains and so forth, are
25 going back to their localities evaluating their

1 present capabilities and their present plans, and
2 they are revising them. We have received letters
3 from people as far as Virginia, Maine, people
4 that have been invited to attend this course. It
5 was the decision of the Governor to allow
6 representatives of the state police from New
7 England states and the Middle Atlantic states to
8 attend the first course and they have found it to
9 be very helpful. They have instituted these new
10 plans and training techniques in their own states.

11 Q Does any of your training now, in the post-riot
12 point of time, involve the local police?

13 A Yes, sir. The majority of the people attending
14 these courses down at "Operation Combine" are local police.
15 We had 100 students in the first course. I believe 80 of
16 them were local police. In the second course that we just
17 completed, we had 60, and I believe 50 of them were local
18 police. We are in new facilities now, but the first course
19 was held in Trenton State College.

20 Priority for attending the course was developed by the
21 New Jersey State Chiefs Association in accordance with the
22 needs, type of municipality, type of population and so forth,
23 and they were given priority to attend this school.

24 MR. LEUCHTER: Is one of the subjects to be
25 covered at such a course the recognition at which

1 point to call in the state police? For example,
2 a place such as Vineland, or any other community
3 of small size which may have a police department
4 of 25, 35 or 40 men, these are inadequate forces
5 to cope with any kind of mass violence. They
6 would have to be told at what point, despite
7 whatever training you might give them, when they
8 have got to say, "Boys, let's call the state
9 police and get them in here."

10 THE WITNESS: Well, there is a concept. For
11 instance, let's take Bergen County. I believe
12 they have 70 municipalities up in Bergen County,
13 and they are small municipalities, and they have
14 70 police departments. In addition, they have
15 the Bergen County police department. Now, as you
16 all well know the Englewood incident, this is
17 what they did up there: They called in assistance
18 from the neighboring communities to assist them
19 in supplying manpower, and subsequently, they also
20 requested the state police, but I believe we will
21 get to that later on. This county concept should
22 be looked into because if they were to call us in
23 on every incident, we don't have the manpower to
24 be able to be running all over the state. This
25 concept has to be given consideration. this point,

1 not only Camden
2 cooperation municipalities training in implementing this
3 the English municipal assistant statute?

4 Yes. THE WITNESS: Let's say that we have discussed
5 these procedures in this course. These people
6 have volunteered to discuss the present plans that
7 they have. We had a representative in the first
8 class from Englewood and I understand that he did
9 and it was an exceptional job in presenting his plan which
10 that from affected the over-all county. This is a practical
11 that state exercise in developing a command post and a set of
12 judgment operational plans as pertaining to their area.

13 Do MR. GIBBONS: That is the lieutenant up in
14 Request to Englewood?

15 given to the THE WITNESS: Yes, sir, he did an exceptional
16 not be sure job. This is what our people tell us. We find
17 that they are really interested in this. Of course,
18 a situation like Newark and Plainfield makes them
19 more cognizant of the fact that they have other
20 up at this responsibilities other than the normal
21 concept. responsibility of deterring crime and motor vehicle
22 city of violators.

23 We know this Getting back to your answer about where is
24 by Direct this point, can I cite an incident such as Camden?

25 Q I think you might as well develop it at this point,

1 not only Camden, but Englewood, because they may offer a
2 comparison toward the Newark situation. Let's first take
3 the Englewood situation. Did you have observers in Englewood?

4 A Yes, sir.

5 Q State police assistance was requested informally?

6 A Yes, sir.

7 Q What was the state police response to that request?

8 A Well, again, they were to evaluate the situation,
9 and it was the opinion of our people in the staff level
10 that from the intelligence we had received from our observers
11 that state police assistance was not needed. It was a
12 judgment decision again.

13 Q Do I take it that had there been an official
14 request that the advice that the state police would have
15 given to the Attorney General was that state police should
16 not be sent in?

17 A That's right.

18 Q Let's go to the Camden situation.

19 A I thought this would be a very good point to bring
20 up at this time because here we were dealing with a new
21 concept. We knew that H. Rap Brown was coming into the
22 city of Camden. This was prearranged. We knew about this.
23 We knew this might be a potential incident. We were contacted
24 by Director Kaufman and Chief Meloby and they were quite
25 concerned about this. They had asked for our assistance.

1 They met with Colonel Kelly and myself and we advised them
2 that based on our intelligence we would give them our answer
3 at a later time. Here was something that did not happen yet.
4 We did not have a riot yet. We were concerning ourself
5 with precautionary measures.

6 Now, the way the statute reads is that in order to get
7 state police assistance, the governing body must ask it of
8 the Governor. The Governor therefore gives us permission
9 to go in. It was the decision of Colonel Kelly at that time
10 to assign a number of state police personnel, and it was
11 handled by troop A and their crowd control unit. We committed
12 two crowd control units. The composition again of a crowd
13 control unit is 50 men plus one lieutenant. The composition
14 of that crowd control unit is two platoons, three squads.

15 We decided, based on our intelligence, to commit one
16 crowd control unit--that is 51 men--to the Camden Armory,
17 which was not too far away from Convention Hall where this
18 speech was to take place. We already did have a command
19 post set up in the Armory.

20 Again, going back to my earlier comments, there are a
21 number of cities where we have already set up our command
22 post giving us this potential.

23 We decided to have 50 men in the Cherry Hill Armory.
24 We felt that we should keep a contingent of people outside
25 of Camden.

1 Now, we received intelligence, we got a progress report
2 on Ray Brown as he was coming into Camden. We picked him
3 up on the outskirts of Camden, I believe it was the turnpike,
4 and we had our people inside Convention Hall. We were
5 working very closely with Camden, who also had people inside,
6 so that we could feel the temper of the crowd that was inside.

7 Our people that were inside advised us that the crowd
8 that was in there was a well behaved crowd, but up on each
9 side of the podium, there were six members on each side from
10 the RAM organization from Philadelphia, and the usual mob
11 techniques of shouting Black Power and things of that nature
12 were used to get the crowd worked up. We continued to get
13 this progress report to see how the crowd was, and there was
14 every indication that probably we could ride out the night
15 without any trouble.

16 It was at this time that we called Director Kaufman and
17 we played what we called suppose, suppose this happens,
18 suppose that happens, and we decided that many of the people
19 that are inside Convention Hall, in order to get back to
20 their homes, had to go across Broadway, which is the main
21 avenue in the main business district. We thought we may have
22 a problem there. Director Kaufman had 100 men standing by
23 across the street from the Armory where we were, and he had
24 busses, so it was decided that he should post two men on
25 each block along Broadway. They were properly equipped

1 with helmets, shotguns, and so forth, and this they did.
2 We also asked him to beef up his patrols, to get his people
3 in from stand-by and activate them on mobile patrols. We
4 suggested that he put six mobile patrols on Broadway riding
5 up and down. We suggested that in the event that something
6 should happen in Convention Hall, that that would be his
7 responsibility, he would move these people that he had.

8 In addition to that, he had additional men standing by
9 that could be moved by bus to Convention Hall very quickly
10 for crowd control, and then he could move his mobile patrols
11 in around Convention Hall and we would take over policing
12 Broadway. As it turned out, we had no problem at Convention
13 Hall and this worked out very well for us. He was able to
14 commit his other 50 people along Broadway.

15 While the people were coming out, we overheard
16 conversations of "Let's go along Broadway," which would be
17 where we would have a problem. It was our decision at that
18 time to move our 50 men from Cherry Hill by squads, because
19 he had received intelligence that they were going to move
20 on the Cherry Hill Hall and destroy the business area there,
21 so we had to keep a contingent of people there at the request
22 of the chief of police of Cherry Hill. I believe his name
23 is Jones.

24 Then, we had a plan where we would activate mobile
25 patrols. There would be two vehicles with a Camden police

1 officer in the first car. We had Camden divided up into
2 sectors so that our commanders at that time knew what their
3 responsibilities would be. We sent our patrols out as a
4 deterrent before anything happened. I happened to be out
5 there in the car riding, and we also had a National Guard
6 staff officer with us, just the staff officers. In the car
7 with me at that time, I had Colonel Sharp, the operations
8 officer of the National Guard.

9 As we moved along Broadway, we saw these groups of young
10 Negroes. I would say groups of 25. If I were to describe
11 these groups, I would say they looked like high school
12 students coming home from a Saturday afternoon football game
13 when they have just won a game. They were happy and
14 exuberant to the point where they were looking for things
15 to do. We heard the conversation, "Let's get Lester's."
16 Lester's is one of the better men's shops on Broadway. We
17 happened to pass Lester's at the time when this soda bottle
18 went right across our windshield into the window.

19 If my recollection is correct, and I could be corrected
20 on this, there were 16 store windows that were reported
21 smashed, but there was no looting. The fact that there was
22 no looting is because people were out there. Eventually,
23 we broke these crowds up and told them to move on and they
24 listened to us. They listened to the local police department.
25 Now, nobody got hurt. There was malicious mischief, there

1 were 16 store windows broken, but there was no larceny.

2 The next day, the only complaint that we got from the
3 minority groups was the show of force. They felt it was
4 harrassment, the fact that there were shotguns evident, but
5 that was the end of it. At least, nobody got hurt.

6 I think this may be a concept that we have to look into,
7 is it better to spend money to prevent something from
8 happening, not knowing whether or not something will happen,
9 or whether to wait until it is too late and wind up with
10 something like you had in Newark where you have something
11 like ten and a half million dollars worth of damage, that
12 is from the last report we have.

13 police department MR. LEUCHTER: Would you say that you were
14 They have lucky that you had a recognized incident such as
15 believe a speech by a recognized leader like Rep Brown
16 themselves which prepared you? police force that they had.

17 Q THE WITNESS: This would be one of the factors
18 of Newark you would have to consider.

19 A MR. GIBBONS: There was a similar incident
20 we have in Newark where they had the scheduled rally for
21 you can see that Thursday night following the arrest of the
22 on this cab driver on Wednesday.

23 THE WITNESS: Here we get involved in a
24 this thing judgment decision again.

25 Q I take it your coming to the Camden municipality

1 was with the cooperation of the local police authorities.

2 based A Yes, sir.

3 we do Q Camden was after the Newark riot situation, is
4 that right?

5 think A Yes, sir.

6 no do Q Can you describe for us the general attitude of
7 the local authorities, before and after the riot, as to the
8 participation of the state police in terms of involvement
9 with what otherwise might be considered local police affairs.

10 at do A In order to answer that question specifically
11 with regard to prior to the riot, you must remember that we
12 have this home rule concept, and we are talking about a
13 police department that has a complement of 1400 people.
14 They honestly believed--and I firmly believe that they did
15 believe this--that they could take care of any situation
16 themselves because of the large police force that they had.

17 Q When you say they, you are referring to the city
18 of Newark?

19 A Yes, the city of Newark. When you consider that
20 we have in our department 1200 people and they have 1400,
21 you can understand why they would feel this way. Now, based
22 on this and based on the fact that they felt this way, they
23 were not too inclined to be ready to call on us because of
24 this thinking.

25 In our dealings with the Newark city police department,

1 it was like a distant relationship. There was a coolness
2 based on the fact that, "We can handle our own department,
3 we don't need the state police," so that prior to the riot
4 our planning went to a certain point and that was it. I
5 think that we would have received this type of reception
6 no matter where we went because there are some people that
7 look upon the state police maybe as a policing agency over
8 their agency.

9 Now, since the riot and since "Operation Combine" down
10 at Sea Girt, there has been a different feeling. There has
11 been a closer relationship of all police together.

12 BISHOP DOUGHERTY: Including Newark?

13 THE WITNESS: Yes, sir. In fact, we have
14 received this report from our people in the field.
15 For instance, many of our turnpike troopers have
16 dealings with the Newark police, picking up
17 summonses and dropping off summonses at their
18 headquarters, and they are accepted as a comrade.
19 In other words, the identity of the uniform is lost,
20 you are a police officer now. This is one of the
21 good things that have come out of this unfortunate
22 incident. We can see there is a better relationship
23 among all police departments in the state, and the
24 thing that we have impressed upon these police
25 agencies through "Operation Combine" is that we

1 don't want their towns, we don't want their
2 business. I am here today and my office is still
3 operating. With all these reports that are going
4 on that you have to coordinate, your business
5 still goes on, your normal business goes on.

6 BISHOP TAYLOR: With the division of
7 responsibility between the National Guard, the
8 state police and the city, is it a serious
9 handicap in handling riots? You don't have a
10 centralized responsibility, as I understand it.
11 While the state police move in at the request of
12 the city, the state police do not have complete
13 charge of the situation, each group is kind of
14 autonomous within itself, is that correct?

15 THE WITNESS: We didn't experience that in
16 Newark, Bishop, but this would be a detriment to
17 an operation if it is not coordinated. There must
18 be that understanding of mission responsibility.

19 BISHOP TAYLOR: When you say coordination,
20 do you mean that there is one central agency, for
21 yourself? example, the state police would have charge of
22 the total situation and give orders to the city
23 with state police and the National Guard?

24 THE WITNESS: Yes, sir. Here again, we are
25 back in the area of mission and an understanding

1 into the of the police mission. Our mission, as I stated
2 control of before, is to suppress the riot, restore law and
3 order in the critical area and move out. In this
4 instance, the Newark city police mission was to
5 assist us in this mission. They were to answer
6 their normal routine police complaints in the
7 troubled area, and we would supply them with
8 assistance if it was necessary. In addition, they
9 would be responsible for their normal police
10 responsibilities in the outlying areas.

11 When we talk about responsibilities, we have
12 to talk about individual missions, the mission
13 of the department. I feel that we had this
14 understanding in Newark, but I also feel that there
15 could have been a better understanding of the
16 mission if we had this closer relationship with
17 the Newark city police department prior to the
18 riot as we have it now.

19 Q Does this get down to a certain extent to a personal
20 relationship, for example, between an acting chief and
21 yourself?

22 A I have never had any difficulty in my dealings
23 with Chief Kelly. I have found him to be an astute police
24 officer. I have always had what I consider a close
25 relationship personally with him, but again, we are getting

1 into the area of departmental policy, and this we have no
2 control over.

3 Q Who would Chief Kelly be getting his directions
4 from?

5 A I would assume that he would be guided by Director
6 Spina and Mayor Addonizio.

7 Q So that in connection in coming into a city such
8 as Newark, is it accurate to say that the cooperation must
9 exist not only between the police chief and yourself, but it
10 has to be all the way up and down the line including the
11 Commissioner and the Mayor?

12 A I will answer that question yes, and it is a very
13 good point because this was one of the things that was brought
14 up in our critique at the end of each class in "Operation
15 Combine" by the chiefs and police officers of various ranks
16 that are in this class, that this message has to be gotten
17 to the mayors and the various officers of the governing body.
18 There has to be this understanding.

19 Q What one single thing about the Newark riot
20 situation impressed you the most?

21 A One of the things that I got out of this whole
22 detail was the need for closer relationship and understanding
23 among all police agencies and the governing body. This is
24 a must, that we all understand the situation, because when a
25 police organization is involved in a riot, they no longer can

1 be concerned with the community relation aspect. It goes
2 beyond that. We have a criminal activity going on which
3 they must concern themselves with. I can't speak for the
4 Newark police department, but I would imagine that after
5 evaluating their operation, they realized that because of
6 their jurisdiction there are certain areas that law
7 enforcement must consider, and one of these is the field
8 of community relations.

9 I feel that the plans of operations that we had and
10 that were developed at the scene during that morning worked
11 out very good, and that the understanding of mission by the
12 various agencies worked out very good.

13 We also found out that there were certain failings,
14 such as in the communication area. Possibly this one
15 frequency idea would be ideal.

16 We also learned of a new activity that the police would
17 be confronted with, and that would be the sniper activity.
18 If I were to say that anything stood out in my mind, it
19 would be this sniper activity. It was new to us. It was
20 new to our people.

21 BISHOP DOUGHERTY: How about arson? Wasn't
22 arson a new aspect?

23 THE WITNESS: Not really. We had experienced
24 the Molotov Cocktail aspect in Jersey City several
25 years back.

1 BISHOP DOUGHERTY: But, did it have a plan?
2 Am I correct in having the impression that the
3 arson in Newark seemed to be working according to
4 some pattern, or plan, by dimension that wasn't
5 present earlier?

6 THE WITNESS: This I can't say. I am not at
7 liberty to say that. I am not qualified because
8 I am not familiar with a pattern. I can say this
9 to you, Bishop, that when we talk about planning,
10 several times during the riot our men were pinned
11 down under cross-fire. Now, if this could be
12 considered planning, the fact that this fire was
13 cross-fire, I don't know.

14 BISHOP DOUGHERTY: I was wondering whether
15 the concept was emerging that fire was a weapon.
16 I think this was especially true in Detroit.
17 Expressions like "Burn the city down," were
18 reported in the press and so on. I am just
19 wondering whether this, either accidentally or
20 intentionally, has become a part of a city
21 disturbance that could be very harmful.

22 THE WITNESS: I think this is a tool of the
23 rioter, and when you speak of riots today, it is
24 synonymous. The Molotov Cocktail seems to be
25 synonymous with a riot any more. Leaflets such

1 as you see in this booklet here give you
2 instructions on how you can make a Molotov Cocktail,
3 so that anybody with a throw-away such as this can
4 make their own. It doesn't take much.

5 Q Are there other tools used by the rioter of a non-
6 weapon variety, such as rumor, for example?

7 A Let me say this, that a new tool that we discovered
8 in Newark is that these rioters were sealing phonograph
9 records at our men as they came down the street. When they
10 come through the air, they can cut you open very good. This
11 is one of the reasons why we issued goggles to our men.
12 We soon eliminated this when we were able to trace the source
13 of where the records were and they had eliminated the supply.
14 Again, this was a new tool of the rioter.

15 Another thing was nails in the street. One of the
16 things we were quite surprised about was the number of tires
17 we had to replace on our cars. We replaced 63 tires on our
18 cars, which can be a problem.

19 I agree that arson is a factor in a riot and it certainly
20 ties up your people.

21 Q What about the non-physical kind, such as rumors?
22 Did that play a part in the riot insofar as tying up people?

23 A We had hundreds of rumors coming in by telephone
24 from anonymous callers. I understand that the police
25 department were getting numerous calls about fires on false

1 alarms, and they would dispatch their vehicles on these
2 false alarms. They soon learned that when they dispatched
3 their vehicles, they only dispatched one vehicle rather
4 than three or four in order to eliminate this unnecessary
5 dispatching of equipment.

6 We received calls about trucks coming in with hand
7 grenades, Negro bands coming in from Connecticut and New
8 York State, that we had to sift rumor from fact. You don't
9 have the time to trace a rumor down to its source.

10 A very good example of this was the rumor that was
11 started about the cab driver having been murdered. I bet to
12 this day no one knows where this rumor started.

13 Q As a police officer, how do you combat the rumor
14 in that situation? What practically can you do?

15 A Keep the public informed by any means that is
16 available. I noticed in earlier reports from Newark that
17 the Newark police had a sound truck going up and down
18 Springfield Avenue trying to get to the people, but it seems
19 that once a rumor starts and these people start down the
20 street, it is like a sickness. It is contagious. I think
21 the Governor described it when he went on his reconnaissance,
22 which I believe was Friday morning, that it seemed like it
23 was a holiday feeling.

24 Many of the reports we received from our men were that
25 many of the people that were looting were women and children.

1 what do you do to a ten year old child stealing candy out
2 of a store? Suppose there is nine or ten of them? Do you
3 shoot a young lad, or a young girl? There are many factors
4 to consider on the use of force.

5 (Discussion off the record.)

6 MR. LEUCHTER: You gave us some time factors
7 or some times that evening with regard to the
8 request for assistance and retractions and so
9 forth. My question would be two-fold: what was
10 Lieutenant Mount's opinion at ten o'clock that
11 night, Thursday night, and 12 o'clock that night?
12 What was Lieutenant Mount's opinion, since he was
13 the observer on the scene, and what is it now?
14 Did he concur at ten or 12 p.m. that the state
15 police were not necessary at that point? Did he
16 agree with the Newark police at that point or did
17 he disagree with them at that point, and what
18 about it now retrospectively?

19 THE WITNESS: I believe that possibly
20 Lieutenant Mount could better answer that question.
21 There are no recordings of it. I read you the
22 only opinion he gave us at that time.

23 MR. LEUCHTER: He hasn't made this known in
24 any discussions with you?

25 THE WITNESS: No, but I would like to say that

1 based upon the intelligence that we were receiving,
2 that if we had received a request earlier, I believe
3 that the situation was such that the Governor would
4 have honored it.

5 MR. LEUCHTER: You think you should have
6 received the request sooner?

7 THE WITNESS: It is difficult for me to
8 answer this question because I am unaware of the
9 number of people they deployed at that time, how
10 they were deployed, and what their plans were at
11 that time to cope with the situation.

12 Q There have been allegations of police brutality.
13 Were any of these alleged incidents brought to your attention?

14 A Again, you would have to interpret what constitutes
15 police brutality. Are you talking about a physical force
16 being brought upon somebody?

17 Q Let's take that.

18 A Yes, we have had some complaints that were brought
19 to our attention through the Federal Bureau of Investigation.
20 One such case was the shooting of the young Rutledge boy
21 whereby they had several witnesses that stated that nine
22 troopers were in the store and had shot Rutledge, who was
23 defenseless at that time. We have conducted an investigation
24 and the F.B.I. is still conducting an investigation. From
25 what we can uncover, our people were in the store at the

1 time with other police officers but they were not involved
2 in the shooting.

3 This is one of the more serious complaints that we have
4 received, but I would say this, that Major Galassie would be
5 the one to question along this category.

6 Q Is he the officer in the state police who is
7 responsible for investigating alleged allegations of police
8 brutality?

9 A Yes, sir.

10 MR. FORTUNATO: I have no further questions.

11 CHAIRMAN LILLEY: Does any Commissioner have
12 any further question of the witness?

13 MR. GIBBONS: Along the same lines, there
14 have been some charges that state police officers
15 destroyed property that was identifiable as Negro
16 owned. Has your department conducted any
17 investigation of these charges?

18 THE WITNESS: Yes, sir, I believe that Major
19 Galassie has his people investigating these
20 complaints. I know that on Sunday morning while
21 the riot was going on, there was a contingent of
22 representatives of the Negro community that
23 appeared at the Roseville Armory making several
24 complaints along these lines, and we accepted them.
25 At this time, I couldn't tell you the outcome of

1 these allegations other than that several of them
2 were considered unfounded simply by the fact that
3 some of the car numbers that were given to us were
4 assigned to unmarked cars, which we do not mark
5 the routes of, or the numbers did not exist in our
6 organization.

7 BISHOP TAYLOR: Major, there was some
8 accusation that some of the alleged sniping was
9 not done by Negroes at all, that it was policemen
10 who were shooting. Have you had any such
11 accusations come to you?

12 THE WITNESS: That some of the alleged
13 sniping incidents could have been police firing
14 at one another?

15 BISHOP TAYLOR: Or firing at Negroes, what
16 was considered sniping, was not snipers at all
17 but police shooting.

18 THE WITNESS: Purposely?

19 BISHOP TAYLOR: Yes.

20 THE WITNESS: At other police officers?

21 BISHOP TAYLOR: No, shooting at Negroes.

22 THE WITNESS: No, I could see where there
23 could be isolated incidents where say members of
24 the Newark police, or state police, or National
25 Guard could experience fire from one another at a

1 distant level. For instance, when you fire an M-1,
2 it travels quite a distance and if an individual
3 is on patrol in an area, he may hear a shot
4 ricochet off a building, and it may indicate that
5 it came from a nearby building, but as time went
6 on like during the first night, your men become
7 accustomed to distances by sound. They can
8 determine by sound whether it was the result of
9 a 22, which has a softer report than a rifle, or
10 whether it is shotgun fire. In many cases, the
11 snipers were using 22's.

12 I might say that on Sunday night, we decided
13 to put our snipers--we have people trained as
14 snipers--with sniper scopes on the roofs of these
15 high rise apartments with four National Guardsmen,
16 I believe, with each man. They were up there all
17 night. We locked the doors to the roof to give
18 them security. The men that were on the roofs of
19 these apartments experienced these shots being
20 fired out from apartments, and in most cases, they
21 were 22's, from the reports we have received from
22 the men, which indicate there was firing coming
23 from the apartment houses.

24 We also learned that most of your sniping was
25 coming from windows in apartments rather than from

1 the rooftops. We did have helicopter patrols.

2 Mr. Jaffe was up last week and we played a tape

3 for him on the coordination of our helicopter

4 locating a sniper in an apartment house and

5 directing our patrol car to the house and the

6 window.

7 MR. LEUCHTER: I have a question of Major
8 Olaff on the number of plain clothesmen there are
9 in the state police. I don't mean on an emergency
10 basis now, but on a regular basis. How many men
11 on a regular basis are assigned to plain clothes?

12 THE WITNESS: Off the record, I would say
13 about 11 per cent of our people. We have 1200
14 people, about 11 per cent of that.

15 MR. LEUCHTER: About 120, 130?

16 THE WITNESS: Yes.

17 MR. LEUCHTER: How many of those are Negroes?
18 I am wondering whether they are used in getting
19 information within the ghetto.

20 THE WITNESS: At the present time we have
21 three in plain clothes and two in uniforms.

22 BY MR. FORTUNATO:

23 Q In the field of riot control, is it correct to
24 say that you do not have in the state police what would be
25 commonly known as "undercover men" such as you might have in

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