

1 Whereupon, Did you have any State Police officer observers  
 2 in Plainfield prior to DAVID B. KELLY  
 3 resumed, previously sworn, testified further as follows:

4 EXAMINATION

5 Q By Mr. Jaffe:

6 Q Colonel, I wonder if we could start with my used  
 7 recollection for the record, that we have completed your  
 8 testimony regarding the Newark riot, and I would like to  
 9 proceed now to the Plainfield riot. I wonder if you could  
 10 tell us of the trouble in Plainfield and the role of the  
 11 State Police when it developed.

12 A By These are the excerpts from the State Police  
 13 command post log at the Roseville Armory: "6:04 p.m.,  
 14 July 16, 1967: Chief Payne of the Plainfield, New Jersey  
 15 Police Department phoned the State Police command post at  
 16 Newark."

17 Q What day is that?

18 A July 16.

19 Q Is that Saturday?

20 A It seems to me that is Sunday. 6:04 p.m. Chief  
 21 Payne phoned New Jersey State Police command post at  
 22 Newark and advised Lieutenant Smalley, our lieutenant,  
 23 that he needed help to contain approximately 400 people  
 24 rioting in his city. Lieutenant Smalley relayed the infor-  
 25 mation to Major Olaff.

1 Q Did you have any State Police officer observers  
2 in Plainfield prior to that phone call?

3 A Sunday morning early, or Saturday night late, we  
4 sent and had people in Plainfield, two detectives.

5 Councilman Q Why was that?

6 Councilman A Because there was a series of events that caused  
7 us to be down in that area to observe.

8 Councilman Q What were those events?

9 Councilman A From our records, if I can go back, June 10, 1967,  
10 Plainfield police responded to complaints of a disturbance  
11 among Negro youths at a private party. Two officers were  
12 injured by thrown rocks, and the windows of the police car  
13 were broken. Five juveniles and one adult was arrested.  
14 The police were commended by a Negro councilman for the  
15 manner in which they handled the incident.

16 The next reference we have is on July 14, 1967, Friday.

17 Councilman Q That incident did not trigger you sending  
18 observers in?

19 Councilman A No.

20 Councilman Q This is background.

21 Councilman A When we say it did not trigger it, we did send  
22 observers to find out the general situation, and they were  
23 there for reports.

24 Councilman Q But the incident was significant enough for you  
25 to send observers in?



1 A Right. On July 14, 1967, Friday, Councilman  
2 Judkins advised that trouble was developing, and a meeting  
3 was held at the Youth Center. In attendance were Mayor  
4 Hetfield, Chief of Police Payne, Lieutenant Hennessey,  
5 Councilman Judkins and Mr. Sullivan of the Human Relations  
6 Council. They are all Plainfield people.

7 About 200 young Negroes gathered at the West End Gardens  
8 housing project. Following the meeting a group of about 40  
9 proceeded to West Front Street and broke a drugstore window.  
10 The police arrived and a group returned to the project,  
11 breaking four windows enroute. Several Molotov cocktails  
12 were found. No arrests were made. Order was restored about  
13 2:00 a.m.

14 Q What was the purpose of that demonstration?

15 A I don't know.

16 Q You received a phone call from a councilman in  
17 Plainfield as a result of this?

18 A No. This is the report of our observer and a  
19 report that he submitted to us with reference to this  
20 incident.

21 Q Why was he there on July 14?

22 A Why? Because we had received information from  
23 the Plainfield police about possible trouble, and our  
24 observer was there.

25 Q Do you know when that came?

1 Hous Ag P. No. We have a station at Scotch Plains, and our  
2 investigator from Scotch Plains was there, Detective  
3 Kitzler. Who gave that order?

4 Q And he was the observer?

5 A Right. Ag doesn't show?

6 MR. DRISCOLL: He was in plainclothes?  
7 THE WITNESS: Yes, sir. All of our observers  
8 were stationed there. A fireman was burned from a Molotov

9 cocktail. By Mr. Jaffe: were stoned and the police began

10 Q The first report of the State Police is on July 14  
11 when this comes to you? stored 4) arrests were made. At

12 7:00 A.m. It came to the State Police. ing police returned

13 to the Q Ci What happened next? assist. They had a contact

14 A On Saturday, July 15, at 8:00 p.m. a meeting was  
15 held at the Plainfield Police Headquarters attended by the  
16 Mayor, the Chief of Police, Lieutenant Hennessey, a county

17 Mr. Sullivan, two members of the Recreation Committee and  
18 interested Negroes. Another meeting was held at the Youth  
19 Center at which Reverend Lattimore and Councilman Judkins  
20 attempted to calm the attending Negro youths without success.

21 Q At this point there is no official representation  
22 from the State at these meetings? police information from

23 A No. Is the detective?

24 Q What happened next? park police with the leaders

25 A Disturbance broke out in the area of the West End

1 Housing Project. The Plainfield police were ordered to stay  
2 away from this area.

3 Q Who gave that order?

4 A I don't know.

5 Q Your log doesn't show?

6 A No. The Plainfield police and neighboring police  
7 were stationed on the perimeter. Looting, stoning, and fire-  
8 bombing occurred. A fireman was burned from a Molotov

9 cocktail. Police cars were stoned and the police began

10 making arrests. Between 10:00 p.m. Saturday and 4:00 a.m.

11 Sunday when order was restored 43 arrests were made. At

12 7:00 a.m. on Sunday, July 16, neighboring police returned

13 to the City of Plainfield to assist. They had a compact

14 between the neighboring police departments wherein they

15 assist one another.

16 Q During the day about 400 Negroes gathered at a county  
17 park and heard several inflammatory speeches.

18 Q Is that still the report of your observer?

19 A That is my observer.

20 Q The use of the phrase "inflammatory" is his  
21 characterization of the report?

22 A Right.

23 Q This is the detective?

24 A Right. Union County park police told the leaders  
25 that a permit for the meeting was required. The crowd was



1 finally dispersed by the police about 4:00 p.m. As the crowd  
2 dispersed into the city they started looting, fire-bombing  
3 and throwing stones and bottles. Cars were stopped and  
4 people were assaulted. A State Police detective car was  
5 almost overturned. As I read this I don't know what car was  
6 involved. Possibly the observer's car.

7 Although 80 police officers from neighboring towns and  
8 Plainfield police officers were engaged, the situation  
9 seemed to be rather torrid. At 6:04 p.m. Sunday, July 16,  
10 Chief Payne phoned the State Police, and I think that I  
11 read that to you.

12 Q That was the first official contact?

13 A Right.

14 Q Then what happened?

15 A Major Olaff received a call and dispersed Captain  
16 Gurkin of our State Police to the Plainfield Police  
17 Department.

18 Q What was Captain Gurkin's role?

19 A To take charge of the State Police as they arrived.

20 Q Was that phone call a commitment on the part of  
21 the Governor to send State Police to Plainfield?

22 A Right.

23 Q That was six o'clock on Sunday evening of the 16th?

24 A Approximately, 6:05. If I could have read the  
25 other to you, I could have shown you the sequence. The

1 Attorney General gets in here. to the command post, Newark,  
 2 and Q: The Attorney General fits in that in what sense,  
 3 the phone call? blocks. There were fires in three or four  
 4 grove A: Right. He got the phone call and he authorized  
 5 the State Police to go in because he had been in contact  
 6 with the Governor. The Attorney General was at Newark at  
 7 the time and received the same call, and he authorized the  
 8 State Police to go to it. Twenty-four State Police per-

9 sonne Q: Were you still in Newark? Plainfield at this time.

10 A Yes. this arrangement satisfactory to the State

11 Police Q: Captain Gurkin came to Plainfield?

12 A Right. Mayor Hatfield of Plainfield phoned the  
 13 State Police command post at 6:45 p.m. and officially  
 14 requested assistance. Chief Payne spoke to the command post  
 15 and advised at the present time looting was confined to  
 16 three square blocks. I think you have a map. situation was

17 under control. MR. JAFFE: We have a map. Could we mark

18 so as long that in evidence? Maybe that will help you  
 19 to break describing the areas.

20 (EXHIBIT NO. C-17 WAS RECEIVED IN EVIDENCE.)

21 call A: By Mr. Jaffe: reading from the report here now.

22 Q: Why don't you continue with what happened? C-17  
 23 is a map of the city of Plainfield, for the record. Describe  
 24 to us what happened when Captain Gurkin comes into Plainfield.

25 A: He was ordered in, as I told you. He didn't arrive

1 until 7:50. Chief Payne spoke to the command post, Newark,  
2 and advised that at the present time looting was confined  
3 to three square blocks. There were fires in three or four  
4 grocery stores and they, the Plainfield police, had made  
5 about 45 arrests. He said that the Plainfield police would be responsible  
6 for the immediate riot control and the State Police would  
7 patrol the rest of the city. Twenty-four State Police per-  
8 sonnel, 12 cars, were dispatched to Plainfield at this time.

9 Q Was this arrangement satisfactory to the State  
10 Police?  
11

12 A Well, at this time we really weren't ready. We  
13 were still in Newark and pretty well committed. This was  
14 my recommendation: Stay with what we have until we have  
15 more people down there that can understand what the situation  
16 is, and we will take over. But the original situation was  
17 under control. He said he could confine it to this area,  
18 so as long as he could, our job was to see that it wasn't  
19 to break out any place else.

20 Q Will you tell us then what happened?

21 A Right. I am reading from the report here now.

22 Q You are still not in Plainfield at this point?

23 A No. I am going from the log to this narrative  
24 that is here. The next entry is at 8:00 p.m. Patrolman  
25 Gleeson, Plainfield police, entered the riot area of



1 Plainfield Avenue and West Second Street and was beaten to  
2 death by a crowd of about 40 people.

3 Q This is on Sunday evening?

4 A Right. The next entry is an excerpt from the  
5 official records. Forty-six carbines were stolen from the  
6 Plainfield Machine Company in nearby Middlesex at approxi-  
7 mately 9:45 p.m.

8 Q When you say official records, are you talking  
9 about the official police records, teletype?

10 A Right. A copy of the teletype.

11 Q Then what happened?

12 A Meanwhile State Police patrols have been arriving,  
13 and at 7:30 or 7:50 the State Police command post was  
14 established at Plainfield headquarters. State Police  
15 patrols were not committed to the riot area but maintained  
16 checkpoints to patrol the surrounding areas. This was a  
17 request and an original agreement from the Chief of Police.

18 Q Did you set up the same kind of checkpoints you  
19 set up in Newark?

20 A Yes. Where they were from this report I can't  
21 tell you now.

22 the Sniper fire in the riot area was heavy, and by 11:00  
23 p.m. the Plainfield Fire Department headquarters was under  
24 heavy siege by heavy weapons and remained under fire until  
25 1:00 a.m. National Guardsmen were dispatched to the

1 Westfield Armory to be diverted to Plainfield upon executive  
2 order at this time.

3 Q Was that as a result of your intercession?

4 A They were not committed to Plainfield; they were  
5 committed to the Westfield Armory.

6 Q Was this at your request?

7 A Yes.

8 Q Was that based on reports that you received from  
9 your people in Plainfield?

10 A Right.

11 Q Could you tell us the basis for your decision to  
12 activate the National Guard and move them to the Westfield  
13 Armory?

14 A The basic reason was that Sunday night we had  
15 approximately 600 State policemen committed to the Newark  
16 area, and we had received reports that possibly riots would  
17 break out in other cities throughout the State -- Englewood,  
18 Camden, New Brunswick, Asbury Park.

19 Q The reason for the National Guard to be on the alert  
20 in the Westfield Armory was to be committed if necessary  
21 and in case the State Police had to go elsewhere throughout  
22 the State.

23 Q I don't know whether you testified or whether  
24 Major Olaff testified about the total number of State  
25 Policemen that could possibly be committed to contain a riot

1 would be somewhere around 700?

2 Many A We would be working it pretty tight, seven or  
3 eight hundred.

4 Q Would you continue with what happened in Plainfield?

5 with A On Monday, July 17, 191 State Police personnel  
6 from the Newark detail were sent to the Westfield Armory  
7 and a command post was established at twelve noon.

8 Q Had you arrived in Plainfield yet?

9 A Right. I can go into that.

10 Q Would you get into your personal participation?

11 A The logs will be part of the record I assume, and  
12 they will coincide with times that I talked to you about.

13 I would like to get into the record that at 6:45 p.m. Mayor

14 Hetfield, Plainfield, phoned and requested State Police

15 assistance and turned the phone over to Chief Payne, who

16 told us where the problem was. I am a little concerned that  
17 that time be emphasized.

18 Again reading from the records, 7:30 Gurkin established

19 a command post. Eight o'clock Lieutenant Pepe and 12

20 troopers reported to the command post.

21 Q I think we were on the next day where you person-  
22 ally came in with the State troopers.

23 A Let me go back. Our records will reveal, but if  
24 you can understand, telephone calls and such major incidents  
25 would be reported and logged. Some of the things were not



1 logged, and, of course, I will have to narrate to you.

2 Many of the things that I did personally, of course, were  
3 not logged, but my recollection is at about twelve o'clock  
4 we met the Governor and with Commissioner Ylvisaker we met  
5 with some people. I believe the Governor would be the one  
6 to testify to that.

7 MR. MEYNER: Midnight Sunday?

8 THE WITNESS: Some time in this area.

9 By Mr. Jaffe:

10 Q and That was the first time you came to Plainfield?

11 A of I left that meeting and went to Plainfield directly  
12 from there. I got to Plainfield at approximately two o'clock  
13 in the morning.

14 Q the This meeting was a Newark meeting?

15 A Yes, and that a gas station was burning and that

16 Q But to discuss Plainfield?

17 A of No, to discuss problems in Newark. After that

18 meeting I decided to leave immediately, and I went to

19 Plainfield at about two o'clock Monday morning myself.

20 Q Were you the first State official, outside of the  
21 State Police people, to be in Plainfield? Were Commissioner  
22 Ylvisaker, the Attorney General and the Governor there yet?

23 A No. I was there at two o'clock in the morning.

24 I left the meeting we had concerning Newark, and the meeting  
25 was held at Dave Satz's office, the United States Attorney,

1 who was not at the meeting, but we used his office. Dave  
2 Satz rode back with me, and on the way back to the Armory I  
3 decided I was going to Plainfield. So he was with me at  
4 Plainfield for no other reason other than being in the car  
5 with me. I said, "I am going to Plainfield." He came along,  
6 and Dave Satz was with me in no official capacity other than  
7 he was just with me in the car.  
8 that We got to Plainfield. I personally did not know the  
9 situation, but I met with Captain Campbell of the Plainfield  
10 Police and Lieutenant Hennessey. They gave me a brief  
11 resume of what had taken place.  
12 like At this time Major Novak of the National Guard, who  
13 commanded the M. P. company that we had sent down to Westfield,  
14 was in the office. We received a report that the Fire House  
15 was under fire and that a gas station was burning and that  
16 the firemen refused to go -- well, actually they couldn't  
17 get out of the firehouse. We had received permission from  
18 the Governor to commit the National Guard if necessary.

19 being shot Q Could you describe to us what the situation was  
20 like at two o'clock in the morning? Was there extensive  
21 looting at this point? Guard then led the fire company to

22 the fire A No. I didn't see any mobs on the street. I  
23 didn't see looting. There was some firing. There were fires.

24 as we Q Would you say how many fires there were? A lot?

25 A few? rden Apartments.

1 A Maybe four or five that I observed. It seems like  
2 maybe a car and there was a building and then the gas  
3 station fire. I observed these from a distance. I just saw  
4 the blaze and the smoke.

5 So at this time, then, when the gas station was on fire  
6 no one would go out to fight it. I committed Major Novak  
7 of the National Guard M. P. company and told him to relieve  
8 that situation, and he did immediately.

9 Q How did he relieve it?

10 A He went right out there with armored personnel  
11 carriers and returned fire, and they relieved it real quick  
12 like.

13 Q Was anybody shot?

14 A No.

15 Q On either side?

16 A There may have been a fireman wounded. There are  
17 reports which show all the people that were wounded, but  
18 there were no National Guardsmen shot, no report of anyone  
19 being shot at that time, but shots fired.

20 Q What did you then do?

21 A The National Guard then led the fire company to  
22 the fire and put out the fire, the National Guard and State  
23 Police patrol went through the area. There was some firing  
24 as we went through the area, this area in the vicinity of  
25 the Garden Apartments.



1 Q The West End Garden Apartments?

2 A In that general area.

3 MR. LEUCHTER: Area Five.

4 By Mr. Jaffe:

5 Q Would you show us where it is on the map, if you  
6 know?

7 A But This area here, West End.

8 MR. LEUCHTER: Area Five.

9 Q MR. JAFFE: Would the record note that the

10 those map is broken down into five areas numbered one

11 through five, dark lines signifying those areas?

12 THE WITNESS: The firing stopped. There was

13 east and periodic sniping fire but no firing to any great

14 firing extent, comparative extent. The National Guard

15 then moved through this area.

16 By Mr. Jaffe:

17 Q Moved through what area?

18 A Generally Five and Three.

19 Q The National Guard was moving through the area in  
20 armored personnel carriers?

21 A Patrolling that area. I think there were five  
22 State Police patrols with them.

23 Q Had you set up your checkpoints yet?

24 A At this time after two o'clock in the morning I  
25 really don't know what the situation was myself. The

1 Plainfield police gave me through Captain Campbell and  
2 Lieutenant Hennessey, as best they could, the general  
3 situation. The situation was a little bit confused in that  
4 they received a report at about ten o'clock that rifles were  
5 stolen from this Plainfield Machine Company and they assumed  
6 the rifles were in that area of this sniper fire prior to  
7 this, but the sniper fire after ten o'clock got to be more  
8 intense.

9 Q Was there any attempt at that point to search for  
10 those rifles?

11 A Nobody was searching anybody then. It was just  
12 confusion and the snipers -- there is a railroad that runs  
13 east and west, the Central Railroad, and there was a lot of  
14 firing coming from the elevated railroad, all along the  
15 railroad in the Five Area and in the Three Area.

16 Q What happened then after the National Guard began  
17 patrolling?

18 A I assigned the National Guard to contain the area,  
19 and they set up blocking positions, not as you see there,  
20 but generally containing this end --

21 Q When you say this end, what do you mean?

22 A The south end.

23 Q The south end of the sector marked Five?

24 A These two short ends.

25 Q Could you tell us what streets the blocking points

1 were set up? You can probably read them off the map.  
2 were A Right This is Central Avenue, and this is Clinton Avenue.  
3 Generally in that area the National Guard did patrol  
4 throughout One, Two, Three, Four and Five Areas during the  
5 night. They set up these blocking positions. But in the  
6 meantime the police departments from the adjacent communities  
7 had been posted at some of these streets. They had this  
8 responsibility.

9 Q What did you do with the State Police? Were there  
10 150 troopers committed at this point?

11 A No. They were relieved at twelve noon on Monday,  
12 and that is when we started coming down. When we came down  
13 later, we took over the post that the local police had, and  
14 the National Guard and State Police then took charge of  
15 the perimeter. By that time it was three o'clock in the  
16 afternoon.

17 Q Can you describe what the situation was like  
18 Monday morning, the 17th?

19 A Generally quiet. You are talking of the daylight  
20 hours?

21 Q Yes.

22 A It was quiet. The only thing we felt, there was  
23 trouble there; there was tenseness in the air. People were  
24 really frightened.

25 Q You are talking about people in the community?



1 if we A Yes. You could feel it, really feel that people  
2 were frightened. There was very little movement throughout  
3 the town, and people were just frightened. There was a real  
4 tenseness in the air. We did have patrols in the area with  
5 the National Guard and the State Police. As we went through  
6 the area there were cars turned over, some still smoldering  
7 embers.

8 kind Q No more looting?

9 other A I guess everybody was sleeping then, of course,

10 and Q Was there any sniping Monday morning?

11 A I will have to refer to the sniping reports. We  
12 have them by time.

13 was Q Just your general recollection. Do you know if  
14 there was any heavy sniping?

15 A Not heavy.

16 Q If there was, it was sporadic?

17 A Right, five o'clock.

18 Q Could you tell us what happened then?

19 A I had to be back to Newark again, and after setting  
20 up and arriving at what the National Guard would do and com-  
21 mitting the National Guard, the National Guard contained  
22 the area and we patrolled the area. I went back to Newark  
23 and we met with the Governor at eight o'clock. At this time  
24 we made a decision that come around eleven o'clock we will  
25 say yes or no to move out of Newark. We felt that possibly

1 if we moved out maybe we could relieve the situation.

2 youth Q Now Was this eleven o'clock in the evening?

3 A No, eleven a.m. So we decided then at twelve  
4 o'clock we will have a press conference, he would have a  
5 press conference, and we would move out of Newark.

6 We moved directly to Plainfield. Again personally I  
7 did not have too much intelligence with regard to number and  
8 kind of people that were involved in the Plainfield riot,  
9 other than there was some shooting and looting, of course,  
10 and fires.

11 I got to Plainfield about two-thirty in the afternoon.

12 We had a meeting as to what we should do. By this time there  
13 was Commissioner Ylvisaker and the Community Affairs people.  
14 I don't know who they are.

15 Q Was the Attorney General there at this time?

16 A No. He was there later. The Attorney General  
17 came there about five o'clock.

18 Q What was the purpose of this meeting?

19 A I met with the Human Relations commissioner in  
20 Plainfield maybe about two o'clock or three o'clock,  
21 whenever I got there, about an hour later, to talk to him  
22 and find out what this is all about. He said there were two  
23 young boys -- he described them as leaders of the group,  
24 the Negro group, that could help out to settle this thing.  
25 I don't even remember their names. I would assume they were

1 about 17 to 18. Evidently they were the leaders of the  
2 youth movement.

3 I talked with them, and they said they could possibly  
4 calm the people down. At about this time entered into the  
5 picture Donald McDonald.

6 Q Is he an employee of the Department of Community  
7 Affairs?

8 A Yes. I never saw him, never heard of him, never  
9 knew where he came from, but Mr. Ylvisaker told me he worked  
10 formerly for the Los Angeles Police Department, was very  
11 instrumental and active in the Watts situation, and he had  
12 quite a background and was familiar with situations like this.  
13 He was then designated as the liaison to see if he could  
14 get together people that would be willing to talk this out.

15 Commissioner Ylvisaker then told me at five o'clock  
16 there would be a meeting in the Mayor's office with the  
17 groups and a representative of the Negro community, about  
18 20 people. So until that time we had to wait until this  
19 meeting.

20 The meeting was held in the City Hall in the chambers  
21 there and there were about 20 representatives there. The  
22 big problem seemed to be there was no swimming pool, and I  
23 don't know what else, but this seemed to be the major  
24 problem. At that meeting everyone was kind of boisterous,  
25 and they demanded that Commissioner Ylvisaker, the Mayor and



1 the Attorney General go into the riot area to talk to the  
2 people. The reason: To show good faith and to convey to  
3 the people in there that they were talking to the leaders of  
4 the State.

5 Q Were there any requests for State Police and  
6 National Guard to leave the area at this time by these  
7 community leaders?

8 A Right, these 20 people. I was not an invited  
9 guest. I kind of injected myself into the situation, and I  
10 went with the Attorney General. No white people were allowed  
11 in there. In fact, they had to have one of the Negroes drive  
12 the Attorney General's car. Commissioner Ylvisaker was the  
13 man that arranged this meeting.

14 Q Who made the ruling? Whose demand was it that no  
15 white person could go in?

16 A Their demand.

17 Q The community leaders. What happened?

18 A We went in, and I was in the Attorney General's car,  
19 and I don't know the name of the man that drove the car.

20 There was another with McDonald, Mr. Ylvisaker and the Mayor.

21 We went into this area. I was through it at night, but  
22 it looked different in the day. I really didn't know where  
23 I was, to be honest with you, but we met on the street, I  
24 believe Third Street, in front of the West End Apartments  
25 anyway. They had a truck with the bull horn. There was

1 just turmoil, people hollering, shouting and screaming,  
 2 throwing bottles. It seemed all the males that were there  
 3 were drunk or coked up or strictly irrational.

4 said MR. LEUCHTER: What night is this? anyway.

5 don't MR. JAFFE: Monday evening, the 17th.

6 By THE WITNESS: They demanded the Mayor speak,  
 7 and he tried to speak. Then Commissioner Ylvisaker

8 A was trying to calm people down, but there really  
 9 wasn't any reasoning at all with these people.

10 Most of the people were standing in doorways or on

11 the streets, but there was some real demands by

12 the aggressive individuals that were there, both

13 men and women, and, as you know, the Attorney

14 General is incapacitated. They demanded he get up

15 on the truck, which is practically impossible. So

16 while the older people there suggested that the

17 Attorney General get out of the car because if he

18 didn't, they would take it as an affront and maybe

19 start trouble. So he got out of the car, I was

20 with him.

21 We walked over and we stood on the stoop of

22 one of these West End Apartments, and the people

23 were afraid of their lives to have us stand on

24 their porch. So we moved from that porch to

25 another where the other people were, and one

1 woman said, "You can stand here."

2 I very frankly said to the Attorney General,  
3 "Let's get the hell out of here." That is what I  
4 said. That was no place for us, for me anyway. I  
5 don't know about him.

6 By Mr. Jaffe:

7 Q Did he take your advice?

8 A We couldn't get out because there was no one to  
9 drive the car. It was suggested we not go out until this  
10 was settled because of the temperament, the mood of the  
11 people. I would say that maybe of the crowd that was there  
12 there may have been 60 or 70 belligerents. The others were  
13 just onlookers or citizens or people observing.

14 I don't know the names of any of the people that I  
15 saw, but the demands were to get the police out, police  
16 brutality, more recreation. It seemed to me the swimming  
17 pool was the big thing.

18 Q How long was this meeting?

19 A Well, the Mayor spoke and was shouted down.  
20 Ylvisaker spoke. He was shouted down, and I think they  
21 spoke for maybe five minutes.

22 CHAIRMAN LILLEY: Colonel, a matter of clari-  
23 fication. You are describing the conditions. Was

24 there any way of calling for help in case the

25 Attorney General or someone got in real trouble?



1 wasn't asked, THE WITNESS: Yes. I had a radio in the car.  
2 talk to We had his car with our radio. This is the only  
3 drunk or reason I went, because they would not permit  
4 group bec anyone but the three to go. But I went and nobody  
5 that was recognized me or paid any attention to me.

6 anyone, By Mr. Jaffe:

7 Q What happened at the meeting?

8 and, A After they demanded that the Attorney General  
9 talk to them, they demanded that he let all the people out  
10 of jail. They demanded that the people that were arrested  
11 be released immediately. Everybody was hollering and shouting,  
12 but he couldn't be heard and the crowd started to surge in  
13 to him. He was kind of pressured up against the car. He was  
14 talking from the door of the car at the time. But there  
15 really wasn't any reasoning or rationale to the whole  
16 situation. fice there was a meeting called by Commissioner

17 vivi So we decided we had better get out of there, but we  
18 couldn't go unless we were permitted to go. So after about  
19 ten minutes they let us out, and we went back then to the  
20 Mayor's office. as the demands of the group.

21 Q Do you think that the meeting was helpful in  
22 cooling tempers? How would you size up the results of that  
23 meeting? Was it productive? was the only question the

24 relea A I don't think it was productive. I really think  
25 it was just food for more aggravation and more demands. I

1 wasn't asked, but I thought it was real foolish to go in and  
2 talk to them because the people you were talking to were  
3 drunk or irrational. There was no sense talking to this  
4 group because the group we were talking to was the group  
5 that was causing the trouble. They were not listening to  
6 anyone, at least not to us.

7 Q You would say generally the meeting was unproductive  
8 and, if anything, counterproductive?

9 A I would say so. My personal opinion. Maybe it  
10 was productive in the opinion of some people that are in  
11 that field, but to me it wasn't. I thought it only added  
12 to the situation.

13 Q Then what happened?

14 A We came back then and we went to the Mayor's  
15 office, which is a smaller room, and when we got to the  
16 Mayor's office there was a meeting called by Commissioner  
17 Ylvisaker and the Attorney General to decide what to do.

18 Q When you say decide what to do, you mean in regard  
19 to the demands to let people out of jail?

20 A Discuss the demands of the group.

21 Q Was there any serious consideration being given  
22 to the question of withdrawing the National Guard and the  
23 State Police at this point, or was the only question the  
24 release of the people from jail?

25 A Maybe there was consideration on the part of

1 someone to do those things, but not on my part, no.  
2 We got back to the room, the meeting room, and they  
3 discussed the previous meeting that we had where the 20  
4 representatives were there. I guess I am a little naive in  
5 some of those particular situations. I was called upon to  
6 give my view at the original meeting. I forgot to say  
7 this. I said that I met with two young boys, and I guess I  
8 shouldn't have said that. You are not supposed to say, "boy."  
9 I guess they near tore the place apart. I didn't know what  
10 impact this had on this whole situation. They were boys;  
11 they were young kids, 16, 17 years of age. I spoke to these  
12 two young boys, I said.

13 At the meeting that was now just about ready to go on  
14 to discuss what was discussed previously was the Mayor,  
15 Mr. Yivisaker, Mr. McDonald, the Attorney General, myself  
16 and some place along the line Lee Kaplowitz came in, whether  
17 it was five minutes later. I met him in the Mayor's office.

18 Q He is the prosecutor of Union County?

19 A Yes. There were three or four other people, but  
20 I don't know who they were. The Human Relations com-  
21 missioner of the city was there, I think, and two or three  
22 other people. I just don't recall.

23 We were about to sit down at a conference table, and  
24 there was a banging on the door and the press and the  
25 photographers were outside in the hallway of City Hall.



1 No one was permitted into this meeting. There was a little  
2 scuffle outside, and finally the door was opened. No one  
3 was supposed to be permitted in, but the Mayor, who sat  
4 facing the door, saw this one individual and he said, "Let  
5 him in, let him in. He is the man that helped out yesterday,"  
6 meaning Sunday afternoon, "when there was a problem over in  
7 the park." By a telephone call was made to the Governor by  
8 Mr. He came in and he had another man with him. I never  
9 saw this man before either. This guy turned out to be  
10 Cathcart. I have forgotten his first name. He came in and  
11 he at this point said that he cannot control these people  
12 any longer; there is going to be bloodshed tonight. Blood  
13 will flow in the streets if these demands are not met. He  
14 said that he truly was the only spokesman, and he is the  
15 only one that could control this group.

16 Q What were his demands?

17 A His demand was that we must release 12 prisoners,  
18 and these prisoners must be released immediately. Well,  
19 there was much discussion between the Attorney General,  
20 Mr. Ylvisaker, I think Mr. Kaplowitz, and me. I wasn't in  
21 on much of the discussion. The question was asked of me:  
22 "What do you think? My answer was, "No."

23 Q No as to the release of the 12 prisoners?

24 A Absolutely.

25 Q What was decided?

1 A Leo Kaplowitz was on my side. He said, "No."

2 Q What happened?

3 A After much discussion, after much to do, this guy  
4 went on for ten or fifteen minutes telling what is wrong with  
5 the community, what is going to happen to the community if  
6 these prisoners are not released in his custody.

7 Finally a telephone call was made to the Governor by  
8 Mr. Ylvisaker. Then the Governor spoke with the Attorney  
9 General. Then the Governor spoke to me, and he said, "What  
10 do you think, Dave?" I said, "No." The Governor said, "I  
11 agree with you."

12 Q Was that the final decision then?

13 A He said, "I agree with you. You are right."

14 There was more conversation by Mr. Ylvisaker, more con-  
15 versation by the Attorney General to the Governor, and I am  
16 back on the phone again. He said, "Dave, they have kind of  
17 convinced me that maybe we can save lives and save some  
18 bloodshed if we look into this situation. What do you say?"  
19 I said, "No." He said, "I am inclined to agree with you and  
20 I do agree with you, but let's try it. Let's see what we  
21 can come up with."

22 So evidently the authorization was to get in touch with  
23 the judiciary to find out if this could be worked out.

24 Q Was there any discussion up to this point about  
25 the 46 carbines?

1 A No.

2 Q Any discussion of an exchange?

3 A No.

4 Q Not at this point?

5 A No.

6 Q What happened after that?

7 A Not that I recall.

8 Q What happened after that?

9 A A call was made to the Chief Justice.

10 Q Who made that call?

11 A I don't know whether it was Mr. Ylvisaker or the  
12 Attorney General, but both did talk to him eventually. The  
13 Chief Justice could not go along with it.

14 Q What was the purpose of the call to the Chief  
15 Justice?

16 A To see whether this would be possible, to release  
17 these men so there wouldn't be any judicial conflict. I am  
18 only recalling the conversation. I am not part of it.

19 Q Your best recollection was the Chief Justice's  
20 attitude was negative as to the ability of the judiciary to  
21 do this?

22 A Right, and some place during the conversation it  
23 was conveyed to him that we could possibly save lives and  
24 that there were weapons in there.

25 During this conversation, as I recall -- this is the



1 first time then -- some barter or negotiable thing was  
2 brought about.

3 Q Between whom was this conversation about the  
4 weapons?

5 A The Attorney General and the Chief Justice, as  
6 best I can recall now. He some place in the conversation  
7 said, "Well, maybe we can if they will return the rifles."

8 Q This is the Attorney General who said this?

9 A The Chief Justice said this. "If they return the  
10 rifles, we will consider the release of some prisoners."  
11 This was presented to Cathcart by the Attorney General and  
12 Mr. Ylvisaker, or both. Cathcart said it would take him  
13 some time to get the rifles. "Well, how much time?" There  
14 was this back and forth type of conversation.

15 It would take him, he said, a day. So they said, "I  
16 don't think this is agreed to. You have to get them back  
17 for us tonight."

18 Q The Attorney General said this?

19 A Right. He said he would try, but he doubted it.  
20 Then the usual negotiations, "Well, if you show good faith  
21 by releasing the prisoners, maybe I can get the guns back."

22 Q What reliance was there that Cathcart had access  
23 to guns? What reason was there to believe that Cathcart had  
24 access to the 46 carbines?

25 A I don't know, but I will tell you very frankly it

1 was our opinion that it was impossible, in fact, we had no  
2 evidence that they were in there even.

3 Q In Plainfield?

4 A Right. We had some reports that there were some.  
5 We had some reports, but we had no concrete evidence that  
6 the weapons were in Plainfield. I am talking State Police-  
7 wise. I couldn't say they were there.

8 MR. GIBBONS: Did the Plainfield police  
9 and Mr. Yi participate in this conference at all?

10 THE WITNESS: No. The Mayor was there. He  
11 judge. He represented them. He was the one that brought  
12 released. Cathcart in to represent the Negro community. If  
13 released. the Mayor didn't bring this man, there probably  
14 Q would have been negotiating. He was the man that  
15 released? said, "Let him in. He is the representative. He  
16 helped me out yesterday."

17 Q That is how Cathcart got into the picture, as  
18 back A simple as that. It was supposed to be a closed  
19 was made the meeting. I never saw Cathcart before. Maybe he  
20 called his was with that group, but I never saw him.

21 MR. MEYNER: He was a persuasive talker to  
22 some people?

23 THE WITNESS: Yes.

24 By Mr. Jaffe:

25 Q What was the resolution of the meeting?

1 A There were further telephone calls. The judge was  
2 called, the county judge, and he was a bit reluctant to go  
3 along with this.

4 Q MR. GIBBONS: Judge Weidenbrunner?

5 THE WITNESS: I think that is right.

6 By Mr. Jaffe:

7 Q Who made that call?

8 A I do not know. All the calls were made by the Attorney General  
9 and Mr. Ylvisaker. The Attorney General in some cases would  
10 make the initial contact or Mr. Ylvisaker would talk with the  
11 judge. Finally it was decided that the people would be  
12 released. They brought a list of names of the people to be  
13 released. I am talking about Cathcart.

14 Q When was this decision that the people would be  
15 released? What time was this?

16 A Around ten o'clock.

17 Q Ten o'clock Monday evening?

18 A Ten-thirty, something like that. Then the decision  
19 was made that these people would be released. Leo Kaplowitz  
20 called his office, one of his assistants brought down the  
21 list of the complaints. Kaplowitz and his assistant went  
22 over and through the complaints. I don't know to this day  
23 who was released, why they were released. They were sup-  
24 posedly released because they were the lesser offenders.

25 Q When you talk about release --



1 A Released in their own recognizance.

2 Q Now the bail was reduced?

3 A Right.

4 Q That was done by a member of the judiciary on the  
5 recommendation of the prosecutor, or was it just done by the  
6 prosecutor?

7 A I don't know the arrangement. The only arrangement  
8 I do know, the complaints were brought down to this meeting.  
9 This is the first time. One of the assistants brought them  
10 down, and they went through it.

11 Q What happened next?

12 A Then there was further negotiating.

13 Q What happened next?

14 A Now it is a time thing. "Well, I can't get the  
15 guns back now. I can get them back tomorrow."

16 Finally through some -- I don't know who did this or how  
17 it was arrived at -- they were given 36 hours to get the guns  
18 back.

19 Q This is late Monday evening?

20 A This is about ten. He demanded that the prisoners  
21 be out and released and back into Plainfield into their  
22 homes by twelve o'clock.

23 Q Was that done?

24 A Then it was explained it is legally and physically  
25 impossible to do this. He gave them until two o'clock. Then



1 he demanded that they be given escorts, driven back. They  
2 asked me if I would provide State Police cars, and I said  
3 no.

4 CHAIRMAN LILLEY: Who was "they"?

5 THE WITNESS: The prosecutor asked me if I  
6 could send State Police cars up to bring the  
7 prisoners back, and I said no. So he arranged for  
8 the sheriff's office to deliver them.

9 By Mr. Jaffe:

10 Q And the prisoners were released by two o'clock?

11 A I don't know. It seems to me they were, but by  
12 the time they got them back it was three or four.

13 Q What was the next thing that happened?

14 A The next thing that happened as far as I was con-  
15 cerned was nothing. I had to sit still for 36 hours.

16 Q What was the condition of Plainfield on Tuesday  
17 morning? Was there any rioting, looting, sniping?

18 A No.

19 Q Any mobs in the streets?

20 A There were sometimes five or six kids, individuals,  
21 but they were broken up pretty quick.

22 Q What was the reason, then, for keeping the State  
23 Police and the National Guard there on Tuesday? Why was  
24 the situation such that you could not withdraw?

25 A Well, I personally didn't think that we should



1 withdraw, and no one approached me as to whether I should or  
2 should not.

3 Q This was not even in the discussion stage?

4 A No. The agreement was there would be no police  
5 permitted in the area for 36 hours; that they would police  
6 themselves, and that was it, and we couldn't move.

7 Q The National Guard and the State Police were  
8 outside of that immediate area?

9 A Right. We took over and established 29 or 30  
10 posts.

11 Q Outside of the area?

12 A Those dotted lines.

13 Q Referring to C-17 where you are talking about the  
14 red dots on the perimeter of the black line?

15 A Right.

16 Q Those were established Tuesday morning?

17 A We had established them Monday night, but we had  
18 to maintain them.

19 Q Within One, Two, Three, Four and Five there were  
20 no State Police or National Guardsmen at this time on  
21 Tuesday?

22 A Officially, no, but we patrolled.

23 Q What about the Plainfield police, were they in  
24 One, Two, Three, Four and Five?

25 A They were not in there either.



1 the area. MR. GIBBONS: Officially or unofficially.

2 agreement. THE WITNESS: That's right.

3 By Mr. Jaffe:

4 Q What would happen if there had been a call other  
5 than a riot call, such as a baby was being born or somebody  
6 fell down stairs? How would that be handled?

7 A There were some calls, and I think that people --  
8 I think there was a delivery but I think one of our people  
9 helped people deliver a baby or got them to a hospital or  
10 some such thing at that time. But that was because one of  
11 the neighbors that lived there came up to the patrol or up  
12 to the outpost, and we sent a car in.

13 Q So effectively there was no real law enforcement  
14 in that area during that period of time?

15 A No.

16 Q What period of time was that specifically?

17 A Thirty-six hours, and it started at twelve o'clock  
18 midnight of Monday night, I assume.

19 Q When did that finish?

20 A Tuesday, twelve o'clock, or Wednesday at twelve.

21 Q Could you tell us, then, Colonel, during that  
22 36-hour period was there any rioting taking place at all,  
23 any looting?

24 A No. There may have been something left in some  
25 of those stores. I really don't know. We did go through

1 the area. We weren't authorized. We probably violated the  
2 agreement, but we rode through.

3 Q Could you tell us what happened, if you know,  
4 between the agreement that produced the guns and whether or  
5 not they were actually produced? What happened on Tuesday  
6 and what happened on Wednesday?

7 A We then sent as many people as we could to  
8 investigate and to gather information to determine whether  
9 these guns were stolen -- not stolen; whether they were in  
10 there or not. We had to do investigative work. This  
11 McDonald was the only liaison we had with the Negro com-  
12 munity, and he was the police liaison appointed by  
13 Mr. Ylvisaker because of his background. None of us trusted  
14 him, but we had no choice. He was kind of issued to us.

15 He said he could get me a rifle, and he was trying to  
16 talk them into getting rifles. I met with him and we  
17 negotiated and he brought back a rifle, supposedly one that  
18 was stolen.

19 Q When was this? When did you receive a rifle? Was  
20 that some time Tuesday?

21 A It seems to me that was Tuesday. I got the rifle  
22 and I got it to Trenton immediately. We found out the rifle  
23 was not one of the rifles stolen the night before but one  
24 that was stolen in 1965.

25 Q From the same place?

1 four A Right. We knew this, but he didn't know that we  
2 knew this. We were not too trusting on some of the infor-  
3 mation we received from him. This is what we did, basically  
4 prepared plans. We felt that the rifles would never be  
5 forthcoming, so we decided and we asked for an opinion could  
6 we search, and by the opinion that was given to us we had a  
7 right to search under the riot proclamation.

8 Q Could you tell us when you made the decision to  
9 ask for an opinion? Was that some time Tuesday?

10 A I think it was about five minutes after the  
11 decision was made to give them the 36 hours. We felt we  
12 were not going to get these guns, and we felt that we would  
13 have to search for them. We felt that some plans should be  
14 made, so we asked for an opinion.

15 Q When you say you asked for an opinion, you asked  
16 the Attorney General for an opinion?

17 A Yes.

18 Q When was that, on Tuesday?

19 A I believe it was Tuesday. It was a verbal thing,  
20 an oral thing.

21 Q During this time we made plans, and our information  
22 revealed that the weapons were in the apartments and there  
23 were --

24 Q When you say apartments --

25 A West End Apartments, and there were weapons in the



1 four or five other homes outside of the apartment area.

2 Q What was this information based on?

3 A It was based on primarily the accounts of  
4 Lieutenant Hennessey who is their investigating officer there.

5 Q Your investigator?

6 A No, Lieutenant Hennessey, the Plainfield Police  
7 Department, who had some informers and some contacts and  
8 some people that told him, the Plainfield Police Department.  
9 That is all documented, the basis and reasoning for going  
10 into certain areas and certain houses.

11 Q Could you tell us when you presented this plan to  
12 the Governor?

13 A Plan to the Governor?

14 Q Did you present to the Governor your plan for the  
15 search?

16 A I didn't, but maybe the Attorney General told him  
17 about it. I didn't. At this time from this point on I was  
18 not in personal contact with the Governor after Newark. I  
19 didn't see the Governor personally. I was not in contact;  
20 the Attorney General was in communication with him, I  
21 would assume.

22 Q Were you at a meeting on Wednesday morning in  
23 the Governor's office to discuss the Plainfield search?

24 A No. I never left Plainfield.

25 Q When were you given the instructions to conduct

1 the search and by whom?

2 A Wednesday morning. The Attorney General and  
3 Mr. Ylvisaker arrived with the proclamation, and I met them  
4 outside of the Plainfield headquarters in their car, the  
5 Attorney General's car, and he gave me this proclamation.

6 Q What time was that?

7 A It seems to me it was around eleven o'clock.

8 Q When did you know that you would have permission  
9 to conduct that search?

10 A I talked with the Governor by telephone that  
11 morning, I believe. I am certain it was that morning when  
12 he asked me what the situation was and should we search. We  
13 decided that we had a legal right by opinion, and he dis-  
14 cussed it certainly with Mr. Ylvisaker and the Attorney  
15 General, who were in Trenton, and they brought the papers  
16 personally.

17 Q Who was responsible for conducting the physical  
18 search?

19 A I was.

20 Q Could you tell us who did it? State policemen?  
21 National Guardsmen? Tell us how you went about it.

22 A I will tell you, and we will submit into evidence  
23 the program, the plan to search the homes and the reasons.

24 Q I think it would be interesting.

25 A I don't have it with me. The reason we felt we

1 could do this is that we roped off that area. We were not  
2 letting anyone out without being searched. We searched cars.  
3 We felt if they were there, we should search for them  
4 because they were not coming out. They probably may have  
5 been buried. We realized this, but this was supposed to be  
6 kept a secret. We spent all Tuesday night reproducing maps  
7 to our people and to the Plainfield Police Department and to  
8 the National Guard as to how the search would be conducted.  
9 I was asleep on the desk in the Plainfield Police Head-  
10 quarters, and by eight o'clock in the morning they woke me  
11 to tell me they announced over the radio the State Police  
12 would conduct a search at twelve o'clock.

13 Q Who announced it?

14 A The local station.

15 Q Did you ever find out how that was known?

16 A No. That's what we ran into. This is like me  
17 telling you I am going to come to your house and I am going  
18 to search you.

19 Q Were there any plans made to have members of the  
20 community with the State Police and National Guardsmen?

21 A Yes.

22 Q When were those plans made?

23 A Commissioner Ylvisaker, evidently with the  
24 Governor, called and said there would have to be ten rep-  
25 resentatives of the community present when the search was



1 conducted. Also the press would be permitted.

2 Q When was this decision arrived at? When was this  
3 told to you?

4 A About ten o'clock Wednesday. Ten or eleven.

5 Q Was that the first time that you knew representatives  
6 of the community would go with you on the search?

7 A Yes.

8 Q And that the press would be allowed to come on the  
9 search, too?

10 A Right.

11 Q Up until that time --

12 A Up until that time I refused to let the press or  
13 television into the area.

14 Q Your planning on Tuesday night was directed toward  
15 State policemen, National Guardsmen and the Plainfield  
16 police?

17 A The Plainfield police, Captain Campbell would go  
18 in and be in the West End. Lieutenant Hennessey would be in  
19 the other homes because he knew where they were and he knew  
20 the people. There was another detective from the Plainfield  
21 Police Department to assist Lieutenant Hennessey because we  
22 didn't know where the homes were. Captain Campbell got the  
23 key for the apartments from the superintendent so that we  
24 could open doors.

25 We contacted the Central Railroad and told them that we



1 were going to search and there may be some trouble and the  
2 possibility of stopping trains so there wouldn't be trains  
3 moving through that area at that time. These were the only  
4 people outside of the police agencies that knew about this  
5 search. This was the night before.

6 Q What kind of National Guard participation did you  
7 plan for?

8 A I planned for the same type. This company is the  
9 M. P. company of the National Guard, and they were to go  
10 with us. They were to stand outside or search if necessary.  
11 They each had a mission.

12 Q Did you plan specific parties?

13 A Right.

14 Q What would the parties be made of?

15 A Composition of National Guard and State Police.  
16 The State Police would make the arrest, if necessary. It  
17 was boiled down to specific sections within the apartment  
18 areas, and there was one in particular that was designated  
19 to be searched thoroughly, and that one specifically was  
20 Cathcart's.

21 Q Did you contemplate armored personnel carriers  
22 and any other kind of heavy equipment going through the  
23 area?

24 A Certainly. An armored personnel carrier is a  
25 mode of transportation for this particular group, the

1 National Guard. This is the only way they travel. This is  
2 the equipment issued to them for travel.

3 Comm Q: How many State policemen and National Guardsmen  
4 were committed to the search on Wednesday?

5 A: I have it here.

6 Q: Just generally.

7 with A: One hundred and some, and the M. P. company. They  
8 were made up of search teams, we will give you the com-  
9 position. Not all National Guardsmen, not all State Police  
10 were going to search. There were some security people, some  
11 reserve people and search people.

12 Q: Could you tell me, just directing your attention  
13 back to Wednesday morning after you received the proclamation  
14 from the Attorney General and Mr. Yivisaker, did you then  
15 issue orders to begin the search?

16 A: Right.

17 Q: At this time were the ten-man community teams also  
18 attached to a unit?

19 A: They were picked by Mr. Yivisaker, and they  
20 waited right by the firehouse, Central Avenue. That's where  
21 we were going in. This was the firehouse.

22 Q: Did these people know the purpose of their meeting  
23 with you? Did they understand they were to partake in a  
24 search?

25 A: I don't really know what they were told they were



1 going to do. I had nothing to do with them. I don't know  
2 who picked them; I don't know where they came from. The  
3 Community Affairs people picked them. We were ready to move.  
4 I have forgotten the time, but it was real close to twelve  
5 o'clock or thereafter. One o'clock when Mr. Ylvisaker said  
6 that there would have to be one of these representatives  
7 with the white arm band on every third or fourth vehicle.  
8 His first objection or the objection by this group to begin  
9 with was that armored personnel carriers would not be per-  
10 mitted into this area. I said they would. Mr. Ylvisaker  
11 said they wouldn't. I said they would. He said, "I am  
12 taking over in the name of the Governor and you are relieved  
13 of this responsibility right now." I objected. Mr. Kaplowitz  
14 said, "You just lost it." Mr. Ylvisaker held up the  
15 vehicles, assisted by Jack Gleeson and put one representative  
16 on every third or fourth vehicle.

17 A There CHAIRMAN LILLEY: Who is Jack Gleeson?

18 the man that has THE WITNESS: He is the assistant to

19 The Inst. Mr. Ylvisaker. In addition, Captain Campbell was  
20 open the to go with the first group because he had the key  
21 people Q to the apartment. He could open the doors if it  
22 opened up was locked. This group objected to Captain  
23 are not Campbell because he was a Plainfield policeman.

24 A Mr. Ylvisaker said, "He can't go." He was not  
25 how to h permitted in.

1 Hennessey, Lieutenant Hennessey and the other  
2 detective that was in charge of the other areas  
3 because they knew the homes, where they were, he  
4 was objected to. Mr. Yivisaker said, "He stays  
5 out." We now went into the area.

6 By Mr. Jaffe:

7 Q Who was running it? Were you effectively relieved  
8 of command?

9 A Mr. Yivisaker told me he took over in the name of  
10 the Governor and he would run it from here on in.

11 Q Were the armored personnel carriers left out of  
12 the area?

13 A Yes.

14 Q What were the instructions to the State policemen  
15 and National Guardsmen if a party refused to open a door or  
16 refused to allow the policeman in?

17 A There were no problems because we had a key, but  
18 the man that had the key was kept out. We had no key now.  
19 The instructions were that he would be called and he would  
20 open the door.

21 Q Were there any instructions that even if you  
22 opened up the door and the fellow stood there and said, "You  
23 are not coming in."?

24 A Yes. We have searched buildings before and know  
25 how to handle that problem.

1 A: It is CHAIRMAN LILLEY: This key that Captain  
2 by the time Campbell had, was anyone else prevented from having  
3 I would ask that key if they wanted to have it, in the party  
4 Q that actually went into the building?

5 A: We were THE WITNESS: No one else was prevented. He  
6 There was had the key at this time. It was just a situation  
7 that was that developed wherein he was ruled out and with  
8 Police det him went the key. It wasn't a question of him  
9 ticular as saying, "I am going to keep the key."

10 hit this house. CHAIRMAN LILLEY: Nobody asked him for the  
11 to be hit, key?

12 Hennessey was THE WITNESS: Mr. Ylvisaker said he was in  
13 charge of the search party.

14 A: By Mr. Jaffe: man that had the responsibility for  
15 the search Q Was the press present at this time?

16 A: The press were present.

17 Q ly, Was there actual television coverage and photo-  
18 graphers present at this point?

19 A: Everything.

20 Q Television cameras and photographers and newspaper  
21 people, did they accompany the teams on the search?

22 A: All the way through.

23 Q Right down the street?

24 A: Right.

25 Q What time did the search start, about twelve?



1 A It started to be a twelve o'clock operation, but  
2 by the time the negotiations and the bickering got finished  
3 I would assume it would be about one o'clock.

4 Q How long did you continue the search?

5 A We went through the homes or through the apartments.  
6 There was only one home that was searched, and the reason  
7 that was searched was, I believe, because it was a State  
8 Police detective by the name of Walker who had this par-  
9 ticular assignment and who knew where this house was. He  
10 hit this house, searched this house. But the homes that were  
11 to be hit, searched, rather, were not searched because  
12 Hennessey was not permitted in.

13 Q You began the search of the apartments?

14 A Right, and the man that had the responsibility for  
15 the search of the other homes was Hennessey and this other  
16 detective, but they were not permitted in the area. Con-  
17 sequently, our people didn't know where to go.

18 Q How many apartments were searched? Do you know?

19 A I don't know. We can document that.

20 Q Was there a time after the search had begun in-  
21 structions were given to you or to Commissioner Ylvisaker to  
22 call the search off?

23 A There may have been to him, but I didn't. I felt  
24 that psychologically we couldn't back off from this thing  
25 now. If we ever backed off, face would be lost throughout.

1 Q I am talking about once the search had begun. Off  
2 the record. went back to the Plainfield police headquarters,  
3 and there (Discussion off the record.)

4 By Mr. Jaffe:

5 Q Colonel, was the search called off prior to its  
6 completion or during the middle of it?

7 A The search was not called off. We conducted the  
8 search as best we could under the conditions that were  
9 brought about by the Community Affairs people.

10 Q Are you specifically referring to the fact that  
11 the two Plainfield police officers could not accompany you?

12 A Right. Captain Campbell, who had the key from  
13 the building superintendent that would open all the doors,  
14 was not permitted in. Lieutenant Hennessey, this was the  
15 group leader for the search of the other buildings, and he  
16 was not permitted in. At that point they were both restricted  
17 from going anywhere, and they themselves were quite  
18 disturbed and upset, and there was nothing anyone could do.  
19 The situation was taken over by Mr. Ylvisaker.

20 Q As a result of the search of the homes, did you  
21 find any of the missing weapons?

22 A No.

23 Q No missing weapons were found during that search.  
24 After the search was completed would you say it was about  
25 three o'clock that afternoon? What happened then?

1 A The men returned to the Armory. We established  
2 patrols. I went back to the Plainfield police headquarters,  
3 and there was much confusion. I was asked by -- I don't  
4 know who asked me -- the Attorney General or Leo Kaplowitz  
5 asked me if I would go in and talk to the Plainfield Department  
6 They were gathered in the courtroom, the whole department.  
7 When I got there, the Mayor, the Chief of Police and  
8 Mr. Yivisaker were seated at a table. There was quite a  
9 hassle going on. The whole Police Department was resigning  
10 en masse. stay on if we stayed on, the State Police, the State

11 Q Because of what?

12 A Because of the condition that was created prior to  
13 this and because they say that the Mayor never gave them  
14 any backing and that the Chief was weak, and it was further  
15 complicated by an outsider, Mr. Yivisaker, who created con-  
16 ditions for them that they could never live down. This  
17 Police Department was, as you can readily understand, quite  
18 perturbed. They had just lost one of their patrolmen who  
19 was beaten to death, and everyone seemed to have forgotten  
20 that. Emotionally this group of men were pretty violent,  
21 vocally violent at this time. they were working with the

22 PIA: BISHOP TAYLOR: You mean the police were  
23 violent?

24 THE WITNESS: Vocally they were pretty out-  
25 spoken. They were mad at the Mayor, mad at the



1 Chief, mad at Mr. Ylvisaker.

2 So I talked to them, and I told them that I  
3 wouldn't leave them, I would start to work right  
4 away. First we would clean up the murder then we  
5 would settle the other situation. They said that  
6 they wouldn't work for anyone but me, and they  
7 wanted the Chief out. It was quite embarrassing.

8 They were quite vocal to Mr. Ylvisaker.

9 At that point they agreed that they would  
10 stay on if we stayed on, the State Police. I said  
11 we would.

12 So I talked with Campbell and Hennessey, and  
13 they in turn talked to the rest of the Department.

14 We established working groups again. The State  
15 Police started to patrol the areas. We stayed  
16 there with them for two or three additional days.

17 We gave them fourteen or fifteen additional  
18 detectives to work on the murder, but we assigned  
19 the detectives to the prosecutor's office, so in  
20 effect they weren't working for the Plainfield  
21 Police Department; they were working with the  
22 Plainfield Police Department. We didn't feel we  
23 should take over their case and work for them. So  
24 we made this arrangement, and we worked this out  
25 this way.

1 Department By Mr. Jaffe: ... and they didn't report any more.

2 after Q When did the National Guard withdraw from their  
3 Plainfield? They had their own municipality to take care of

4 We t A The following day, taking care of the problem, but

5 we w Q And you stayed two more days after that? After

6 that A We maintained patrols. The breakdown I have. We  
7 were there Saturday and Sunday, and we backed off by day.

8 We knocked off so many, but we tried to bring back the  
9 Plainfield Police Department. any allegations made against

10 the Q How would you characterize your liaison with the  
11 Plainfield Police Department generally? people complain about

12 the A Very fine. other personal property or physically?

13 Q From the beginning and throughout the whole thing?

14 A When I went to the Plainfield Police Department  
15 that early morning I thought I was in the City Hall. I  
16 didn't even know I was in the Police Department, but I  
17 didn't meet the Chief; I met Captain Campbell and this the  
18 Lieutenant Hennessey. The Chief ran the Police Department  
19 and the rest of the town, and after we established these and  
20 areas, we took over that situation. We had nothing to do  
21 with their town at all as in Newark. They ran the town.  
22 One of the problems they did have was that there wasn't much  
23 coordination between the neighboring Police Departments that  
24 came in and assisted them. That seemed to be unraveled a  
25 bit. We kind of put that together, the local Police

1 Departments were relieved, and they didn't report any more  
2 after the second day we were there. We didn't need their  
3 assistance. They had their own municipality to take care of.  
4 We then assumed the role of taking care of the problem, but  
5 we were not permitted in there the first 36 hours. After  
6 that we moved in and we patrolled the area. There wasn't  
7 any further incidents. We had no problems. Minor things,  
8 but that would be it.

9 Q Colonel, were there any allegations made against  
10 the State Police or the National Guard as to the manner in  
11 which the search was conducted? Did people complain about  
12 the mishandling of either personal property or physically?

13 A Yes, sir. They knew, and we assumed we would have  
14 to accept this -- let me give you a personal situation. I  
15 walked through the area and I stood alongside of Gabe  
16 Pressman, who later was arrested by the Plainfield police,  
17 but Gabe Pressman was there and a woman complained that the  
18 State Police or the National Guard turned over all of her  
19 furniture. We were right next to the place. I went in and  
20 there was a chair overturned.

21 The next incident -- I saw two boys, two men sitting  
22 on a stoop, and the State Police or National Guard came out  
23 of this building, and they went back in. I assumed that  
24 they had lived there or had a right there. I never thought  
25 any more of it. The next thing you know a woman came out



1 and was screaming of all the damage the State Police and the  
2 National Guard did. I spoke to these boys and they said  
3 there was no need to touch anything. But I did see these  
4 two men go in and come out. It was after this that this big  
5 problem took place.

6 Another incident, a woman was screaming, actually  
7 screaming about what they did to her apartment and how upset  
8 she was and how she was emotionally upset, the funny part of  
9 it was we weren't in her building yet.

10 MR. JAFFE: Off the record.

11 (Discussion off the record.)

12 By Mr. Jaffe:

13 Q Colonel, I understand there was a disturbance up  
14 in Englewood also during the summer of 1967 and that you had  
15 State Police observers and there was a request for assistance  
16 from the local authorities. I wonder if you would like to  
17 comment upon the role of the State Police and what you did.

18 A The Governor called and said he received a request  
19 from the prosecutor, Guy Calissi, requesting State Police  
20 assistance in a situation in Englewood. I advised the  
21 Governor that I would call him back and give him a better  
22 rundown on the situation.

23 I called Englewood, and our two observers there informed  
24 me that in their opinion there were enough policemen in the  
25 area, local police, county police, to take care of any

1 situation that is in existence presently, and there didn't  
2 seem to be any need to get the State Police there or anyone  
3 else, and that they would talk with the local Chief and talk  
4 about organization for patrols and calm the situation down  
5 with the Police Department.

6 They called back, our observers called back, and said  
7 that they told the Chief, and the situation was in hand. I  
8 in turn called the Governor who I assumed called back and  
9 said there was no need for a State Police commitment.

10 We had the same thing in New Brunswick where the Mayor  
11 called for assistance. We had observers and we sent over  
12 four or five patrol cars and assisted there.

13 Q But you never did actually have to go into  
14 Englewood?

15 A No.

16 Q The situation was calmed without the State Police?

17 A No.

18 MR. JAFFE: Off the record.

19 (Discussion off the record.)

20 CHAIRMAN LILLEY: Gentlemen, the table is  
21 yours for questioning.

22 MR. LEUCHTER: Colonel, it is hindsight and  
23 may be helpful, and maybe you are not the proper  
24 person to answer the question, but would you  
25 suggest a rationale for other people than yourself

1 not wanting Captain Campbell and Lieutenant  
2 Hennessey to accompany the search? Was this for  
3 their own safety? Was this because their presence  
4 was like a red flag in front of a bull? Would  
5 their presence have been inflammatory, or because  
6 of the temper of the Police Department, as you  
7 described it, was it not that the local Police  
8 Department back in that area might have caused  
9 some more killing?

10 THE WITNESS: Well, to answer the latter part  
11 of your question, I don't think this is so because  
12 this situation was aggravated by what preceded it,  
13 the first part of your question. I don't know why  
14 they permitted or didn't want these people. The  
15 only reason I know is that the ten people they  
16 picked on that committee said that these two men  
17 cannot go into their area. Mr. Ylvisaker agreed  
18 to this. Why I don't know.

19 MR. LEUCHTER: This was a demand from the  
20 people in the area?

21 THE WITNESS: These ten white arm-band people  
22 that were chosen to accompany the search team in  
23 demanded that these two people be kept out of the  
24 area. Mr. Ylvisaker said okay. "You guys are out."

25 MR. DRISCOLL: Do I understand, Colonel, that



1 some of these ten people with the white arm-bands  
2 were people who had been released from jail  
3 following their arrest?

4 THE WITNESS: The night before.

5 BISHOP TAYLOR: You may not want to speak to  
6 this question on the record. Did you find any  
7 evidence that the leaders of the riot in Plainfield  
8 had any connection with groups or leaders outside  
9 of Plainfield?

10 THE WITNESS: We felt there was stimulation  
11 from outside of Plainfield. We feel there were  
12 people that came in that aggravated the situation  
13 or stimulated the situation in Plainfield, yes.

14 BISHOP TAYLOR: Do you feel any of it came  
15 from outside the State?

16 THE WITNESS: Yes.

17 BISHOP TAYLOR: Do you feel any of it came  
18 from outside the nation?

19 THE WITNESS: Yes, sir.

20 MR. GIBBONS: Can you elaborate on that  
21 without prejudicing any pending investigations?

22 THE WITNESS: I prefer not at this time.

23 MR. DRISCOLL: Colonel Kelly, what juris-  
24 diction does the State Police have in a community  
25 of the size and character of Plainfield?

1 THE WITNESS: Well, Bovernor, I asked again  
2 the other day for a clear interpretation, and the  
3 State Police had, if so desired, full jurisdiction  
4 to enforce any and all laws of the State. The  
5 policy of the State Police is that, as I explained  
6 originally, partial or full cooperative responsi-  
7 bility, and with the Police Department the size of  
8 Plainfield that is self-sustaining it is cooperative  
9 where we will assist them in technical matters.  
10 But in a situation like this with a request from  
11 the Mayor to the Governor for assistance and the  
12 Governor's direction to go into this town, we  
13 would assume full responsibility for control of  
14 that riotous area. Originally I gave instructions  
15 we would only patrol the areas outside of that  
16 perimeter and do our work there because we didn't  
17 know the situation. But eventually we took over.

18 MR. DRISCOLL: If you had carriers similar  
19 to the carriers that the National Guard has, would  
20 that have been helpful to the State Police in its  
21 operation?

22 THE WITNESS: Well, to this extent, Governor:  
23 At the time when there was fire and you have to go  
24 into a building, it is good protective cover.  
25 But for normal situations it is kind of a useless

1 piece of equipment as far as this one particular  
2 situation.

3 MR. DRISCOLL: I am talking about the unusual  
4 situation.

5 THE WITNESS: It is helpful.

6 MR. DRISCOLL: Is there other equipment that  
7 in your opinion would be helpful to the State  
8 Police?

9 THE WITNESS: Yes, sir. We are preparing a  
10 list of equipment that we feel we should have and  
11 are hoping that someone with money will do something  
12 about it.

13 MR. LEUCHTER: Will you provide this Com-  
14 mission with such a list?

15 THE WITNESS: Yes.

16 MR. LEUCHTER: If it is a recommendation from  
17 you, possibly it ought to be a recommendation from  
18 us.

19 THE WITNESS: We need communications in the  
20 new State-wide system which is very, very nec-  
21 essary. If we are talking about individual  
22 equipment, we can do this, too.

23 MR. LEUCHTER: We might be in a position to  
24 be very helpful to you.

25 MR. DRISCOLL: Had the theft of the rifle in



1 1965 to which you referred in your testimony been  
2 reported to the State Police?

3 THE WITNESS: Governor, everything is reported  
4 through the teletype system, and it was reported  
5 on the teletype system in 1965 but never recovered.

6 MR. DRISCOLL: Not until you picked it up?

7 THE WITNESS: Right.

8 MR. DRISCOLL: Did Ylvisaker know that  
9 Campbell had the master key to the apartments  
10 when he ruled him out? naturally they would lock

11 THE WITNESS: I think Campbell told him that  
12 he had to go because he had the key. that were

13 MR. DRISCOLL: But Mr. Ylvisaker made no  
14 request for the key? when did you recover the

15 THE WITNESS: Not that I know of. I don't  
16 think the key was significant to Mr. Ylvisaker at  
17 the time. I just don't think he realized.

18 MR. LEUCHTER: Why couldn't Captain Campbell  
19 give you the key and you go in rather than Captain  
20 Campbell? of the search and the way the search was

21 THE WITNESS: Well, at this point in the con-  
22 fusion I don't think I had much to say either.

23 MR. LEUCHTER: Did it make any difference  
24 who carried the key? in with us. He set the rules

25 THE WITNESS: No. I don't think much thought

1 was given about the key.

2 BISHOP TAYLOR: After the announcement of the  
3 search was made on television and the radio would  
4 the key have figured in?

5 THE WITNESS: Probably. In the event that  
6 doors would have been locked.

7 BISHOP TAYLOR: You could have gotten in,  
8 but you probably would not have recovered anything?

9 THE WITNESS: We didn't know because probably  
10 if they had to hide it, naturally they would lock  
11 the door. If the door were locked and we had the  
12 key, we could see in the apartments that were  
13 locked. This was the significance of the question.

14 MR. DRISCOLL: When did you recover the  
15 command of the State Police from Mr. Ylvisaker who  
16 said he was taking over in the name of the  
17 Governor?

18 THE WITNESS: I don't think he was talking  
19 in terms of the command of the State Police but  
20 in terms of the search and the way the search was  
21 being conducted and the rules that he set forth  
22 as to how the search would be conducted and he  
23 ruled out the APC's and he ruled that the arm-  
24 band men could come in with us. He set the rules.  
25 He didn't take command, but he set such rules that

1           MR. DRISCOLL: It sounds very much like gov-  
2           command to me. no senior cabinet member in terms of

3           THE WITNESS: I think this was entirely pos-  
4           sible at the time. other than other members of the

5           CHAIRMAN LILLEY: Under what circumstances  
6           can other State agencies be helpful to the State  
7           Police in a riot situation? west of law and order?

8           THE WITNESS: Probably by establishing this  
9           relationships and communications with the rioters  
10          and having knowledgeable, intelligent people and  
11          people with integrity on the staff who have the  
12          comprehension of knowing and understanding the  
13          feelings of both sides and can come back with  
14          factual information as opposed to opinions and  
15          being directed by people who have no influence,  
16          and being able to sift rumor from fact. community

17          Affa I am not citing this as the qualifications for  
18          a community affairs officer, but I say that in  
19          order to be of some help to us we have to have the  
20          names of leaders and the people we are dealing with  
21          and what means of communication we have to talk to  
22          the responsible people. and send out messages to

23          the MR. LEUCHTER: I would ask a question in almost  
24          the same way. In a riot situation is it your  
25          opinion that in the absence of the Governor and in



1 the presence of cabinet members of the State gov-  
2 ernment that the senior cabinet member in terms of  
3 command in a situation of violence should be the  
4 Attorney General rather than other members of the  
5 cabinet? Among all the members of the cabinet is  
6 it not the Attorney General alone who has the res-  
7 sponsibility for the enforcement of law and order?

8 THE WITNESS: There is no question about this.  
9 The Attorney General has the responsibility of en-  
10 forcement of law and order. I think there has to  
11 be a close liaison between the Attorney General  
12 and Community Affairs, and I think that both people  
13 have to be at the scene. I feel that the Attorney  
14 General in his role should be the superior officer  
15 or the one in charge in times of decision for the  
16 evaluation and recommendation of the Community  
17 Affairs officer.

18 MR. DRISCOLL: Were ABC commissioners present  
19 in the area during this period?

20 THE WITNESS: No, sir. The ABC comes under  
21 the Attorney General, and the ABC commissioner was  
22 in his office and he would send out messages to  
23 the towns concerned as such towns were directed to  
24 curtail or stop or restrict sales at the request  
25 of the Attorney General. But they did perform a

1 function. The ABC agents that you are talking about  
2 were not used as such because there wasn't much  
3 place to use them because the taverns were closed.

4 MR. DRISCOLL: Am I correct in my understanding  
5 of your testimony that the cooperation between the  
6 local police and the National Guard seems to have  
7 functioned more smoothly in Plainfield than in  
8 Newark? Is that a correct assumption on my part?

9 THE WITNESS: Well, Governor, the cooperation  
10 between the National Guard and the Newark police  
11 was kind of -- the National Guard had nothing to  
12 do with the Newark police. The National Guard and  
13 the State Police worked together in Newark. Any  
14 request for the National Guard would have to come  
15 from the Newark police to the State Police, and  
16 then the National Guard would react.

17 In Plainfield the National Guard acted as I  
18 requested in the immediate situation and then from  
19 there on. The local police did not have anything  
20 to do with the National Guard, only requests  
21 through the State Police in the same way. I think  
22 the relationship was the same.

23 CHAIRMAN LILLEY: Colonel, it is obvious from  
24 what you told us tonight that the theft of these  
25 carbines played a big part in many decisions made

1 in Plainfield. Do you have any views about the  
2 security of factories that produced weapons in the  
3 State?

4 THE WITNESS: Yes, sir. We have made some  
5 recommendations, and I feel I am certain in this.  
6 I spoke with the Attorney General and the Governor  
7 with regard to manufacturers and pawn shops, and  
8 to wholesalers and to retailers like Sears,  
9 Roebuck, that regulations be provided that demand  
10 of them control be exercised and more security  
11 over weapons. I think this can be done through  
12 the gun law. I think regulations are being drawn  
13 now to take care of this situation. We feel there  
14 is no legislation required. It can be done by  
15 regulation through the gun bill.

16 CHAIRMAN LILLEY: That is, to force a factory  
17 to provide security?

18 THE WITNESS: Right. And the stores and  
19 wholesalers and retailers to provide security.  
20 We feel this can be done. If not, I would  
21 recommend legislation, but we feel it can be done  
22 by the gun bill.

23 CHAIRMAN LILLEY: Newark and Plainfield blew,  
24 I guess is the way we say it in our jargon these  
25 days. Let's say, in addition to that, and this is



1 hypothetical, that Englewood and New Brunswick and  
2 Camden went in about that same time. Could the  
3 State Police numerically have handled it?

4 THE WITNESS: The State Police numerically --  
5 it all depends on the degree of severity, of  
6 course. But through the National Guard, through  
7 the plans we worked out with them, we would have  
8 State Police, supervisory State Police, X number,  
9 as opposed to XX number in all these towns. The  
10 plans were already prepared and set for different  
11 units in the National Guard with their responsi-  
12 bility in the different cities. These plans had  
13 been developed, and we were prepared to implement  
14 these plans. The number of State policemen  
15 required in any particular situation depended on  
16 the situation there. But if the State Police were  
17 not there in number, the National Guard would be  
18 there in number.

19 MR. DRISCOLL: Colonel, as I remember, in some  
20 instances when the National Guard was called out,  
21 this included members of the State Police. They  
22 suddenly became Guardsmen rather than troopers.  
23 In your opinion would they have served a better  
24 function if they had remained troopers and not  
25 moved up to the National Guard?

1 THE WITNESS: We have changed that whole role,  
2 Governor. They stay with the State Police. There  
3 is only one that goes, and he is a Lieutenant in  
4 the State Police and he is a Captain in this M.  
5 P. company. He was on active duty with the M. P.  
6 company. So we kept a hold on that. No other  
7 State men were called with the National Guard.

8 MR. DRISCOLL: That is true of the Newark  
9 situation?

10 THE WITNESS: Yes, sir. That is where he was.

11 MR. DRISCOLL: But there were no other State  
12 troopers called with the Guard?

13 THE WITNESS: No, sir. One State policeman  
14 we recommended, and this had already been planned,  
15 was that if the M. P. company went, this  
16 Lieutenant in the State Police who was a Captain  
17 in the M. P. company went with them. We thought  
18 we could best suit our purposes there because of  
19 liaison.

20 MR. LEUCHTER: Colonel, a witness before the  
21 Commission last week, Mr. Dickinson Debavoise,  
22 gave us affidavits alleging brutality toward  
23 residents of Newark on the part of local Newark  
24 police, State Police and the National Guard, and  
25 he said to us that these affidavits had been made

1 available or had been given to the FBI among  
2 other agencies. Have these affidavits been given  
3 by Mr. DeBavoise or anyone else involved in the  
4 legal end of the Newark situation to the State  
5 Police to your knowledge?

6 The reason I wondered, it has been three  
7 months since the riots and I wondered whether any  
8 of this investigation has gone forward on this  
9 subject.

10 THE WITNESS: Let me say this to you: There  
11 have been many allegations, inferences, innuendoes,  
12 and as we investigate we find that it is from the  
13 third party or the fourth party. To give you a  
14 "for instance," there is a man that has a suit  
15 against the -- I guess I am one of them -- against  
16 us, and when he was talked to, he said he didn't  
17 know he had a suit. He turned over his rifle and he  
18 was given a receipt for it. He went down and the  
19 ACLU who had set up corner stands accepting all  
20 and any complaints from any individual that wants  
21 to step up and render a complaint, asked him if he  
22 had a complaint. He said, "Yes, they took my gun."  
23 He went down to the Police Department and he said,  
24 "I got a receipt," and they said, "Why do you have  
25 a complaint?" He said, "I didn't sign a complaint."



1           The people we talked to, when we asked them  
2 for identification, "Did you see this?" they say,  
3 "No." "How do you know?" "This guy told me."  
4 "Where is he?" "Well, I don't know."

5           MR. LEUCHTER: Some of the affidavits that  
6 were given to this Commission, a number of them  
7 alleged first-hand witnessing of them. The second-  
8 hand or third-hand were not given to us. Some of  
9 them included affidavits by White ministers, and I  
10 just wondered whether any of those have yet gotten  
11 to the State Police, the alleged first-hand ones.

12           THE WITNESS: Officially from Newark we have  
13 none. The White ministers received all allegations  
14 from the people that they are associated with, and  
15 most of the times they are conveying the allegations  
16 of a third party the same way. We are investi-  
17 gating all the complaints that are against us.  
18 The FBI claims they have two allegations that they  
19 are investigating us on, and this is in the  
20 process and this is the way it shall be. Until  
21 such allegations are founded or unfounded we will  
22 have to go through the due process. But there are  
23 many allegations, I can assure you, and there are  
24 many false allegations.

25           MR. LEUCHTER: Off the record.

1 (Discussion off the record.)

2 CHAIRMAN LILLEY: Colonel, you are our  
3 senior witness in point of service. We thank you  
4 for coming here four times. As far as I can see  
5 we won't do this to you again. We might want your  
6 help on a particular question, and I presume we  
7 can ask for that. But we do appreciate the number  
8 of hours you have spent.

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12 C E R T I F I C A T E

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

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19 October 16, 1967.  
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