

1 CHAIRMAN LILLEY: Mr. Curvin, we are going to
2 start. Apparently the fog has delayed some of our
3 commissioners, but they will be along. This is
4 for the record, so your words will be read by
5 them. I would like to say before we start I
6 appreciate your coming and look forward to what
7 you have to say. I think perhaps Mr. Jaffe told
8 you our procedure. Among other things, we swear
9 our witnesses, and I would like you to take the
10 oath if you would.

11 Whereupon,

12 ROBERT CURVIN

13 called as a witness, sworn, testified as follows:

14 EXAMINATION

15 By Mr. Jaffe:

16 Q Mr. Curvin, could you give us your name and address,
17 please?

18 A My name is Robert Curvin, and I live at
19 106 Huntington Terrace, Newark, New Jersey.

20 Q Could you tell us where you are presently employed?

21 A I am presently employed as the director of the
22 Rutgers Community Action Intern Program.

23 Q Where is that located?

24 A This is located in New Brunswick, New Jersey.

25 Q How long have you been so employed?

1 A Since June 5, 1966.

2 Q And could you describe for us very briefly what
3 your duties are?

4 A First let me say that this is a federally
5 financed anti-poverty training program that is sponsored by
6 Rutgers University Labor Education Center, and the purpose
7 of the program is to recruit persons who have demonstrated
8 leadership potential or interest in the areas of community
9 leadership, especially in the civil rights and labor organi-
10 zations in the State, and church groups, and to train them
11 to fill jobs in the anti-poverty program or in various other
12 social agencies in the community.

13 I have been director since July 15th of this year. My
14 major responsibilities are the administrative responsibi-
15 lities of the program. I have a staff that includes an
16 educational director, who is responsible for curriculum
17 development and programming, and an associate director, who
18 is primarily responsible for job development for the interns
19 and counseling.

20 Q Prior to your employment at Rutgers could you tell
21 us what your employment was?

22 A Well, let me go back and perhaps talk about my
23 education and then employment, and maybe we can cover it
24 that way. I was born in Newark and I attended public schools
25 in Belleville, New Jersey. Following that I entered the

1 United States Army and served for four and a half years in
2 the Army. I attended the Officers' Candidate Training
3 School while I was in the Service and received a commission
4 in the Artillery and served for three years as an Airborne
5 officer in this country and also in Japan for a while.

6 Following my termination of service, I entered Rutgers
7 University in Newark in 1957 and was graduated in 1960 with
8 a Liberal Arts degree. I then began employment at the Essex
9 County Welfare Board as a caseworker and worked two years as
10 a caseworker at the Welfare Board and then worked for three
11 years as a supervisor of casework.

12 I left the Essex County Welfare Board in September of
13 1965 to take employment as director of a leadership training
14 program in Harlem that was financed by the Stern Foundation
15 and sponsored by the League for Industrial Democracy with
16 headquarters in New York.

17 During that period of time I was attending Rutgers
18 University Graduate School of Social Work on a part-time
19 basis, and during my beginning year of employment at Rutgers
20 in June of 1965 I also completed my final year toward my
21 Master's degree in Social Work at Rutgers.

22 I stayed at the training institute in Harlem for one
23 year as I had planned and then went to Rutgers to finish
24 up my degree and to take the post at the training institute
25 there.

1 I have a Master's degree in Social Work with a specialty in community organization, and that brings me up
2 to date.

3
4 Q Have you lived in Newark basically outside of that
5 period of time that you were in the Service?

6 A Right.

7 Q Let me zero in on the riot that occurred in July
8 of this year. Could you tell us when you first were aware
9 of the facts and aware of the incidents that led to the riot
10 and what you did?

11 A On Wednesday, I think it was July 12th, I was at
12 home. In fact, it was one of the nights that I thought I
13 was going to remain at home. I received a telephone call
14 from a woman in the project area, from Hayes Project, who
15 said she was calling CORE and asked that someone come over
16 right away.

17 Q Are you affiliated with CORE?

18 A Yes, I am.

19 Q What is your affiliation with that organization?

20 A I am a member of the local chapter. I was for-
21 merly chairman of the local chapter, treasurer of the local
22 chapter. At the present time I am an active member. I have
23 also served on the national board of CORE and also served
24 for two years as national vice-chairman of CORE for the
25 Northeastern region.

1 I went over to the area, and I talked to several people
2 there, and there was already a crowd there when I got there.

3 Q When you say went up to the area, what area?

4 A The area around the Fourth Precinct across the
5 street from the Hayes Project.

6 Q What was the essence of the phone call?

7 A The essence of the phone call was that a man has
8 just been dragged from a car and beaten and dragged into the
9 precinct and could we have somebody from CORE come over and
10 help us. It was kind of a hysterical, anxious call that
11 unfortunately is frequently received by me and members of
12 our organization in the City of Newark on many occasions.

13 Q So you went to the Hayes Homes area of the Fourth
14 Precinct?

15 A Yes.

16 Q About what time did you get there?

17 A I think I received a call around nine-fifteen.
18 When I got there, there already was assembled a number of
19 people, but it wasn't a large crowd at that time. I talked
20 to several people. There were people there already that I
21 knew, and we talked to several people who said they were
22 witnesses to the incident.

23 I would say there might have been twelve to fourteen
24 people standing around all making an effort to describe
25 what they had seen.

1 that I then talked to several people, and we tried to map
2 out some kind of strategy as to what we would do.

3 Q What was the size of the crowd at that point?

4 A At that point -- well, when I got there I don't
5 think there were more than thirty-five or forty people there,
6 but it was growing very rapidly. People were coming from
7 across the street from the project area and quite frankly I
8 don't have any real idea as to numbers, but I didn't get the
9 impression that there was a large crowd when I got there.
10 But the crowd seemed to be picking up very quickly. People
11 were even walking by and saying what had happened, and
12 somebody would say what had happened and they would stop and
13 they would stand there. I began to get a sense of the crowd

14 Q Was the crowd right in front of the Fourth Precinct
15 or the Hayes Homes? in the driveway of the gas station

16 A At this time the crowd was standing on the western
17 corner by the gas station there. We talked about what should
18 be done. In fact, one of the first things we thought should
19 be done was to call a lawyer. A call was in fact put in to
20 Legal Services, to Joe Barry, and we asked that he come over.

21 It was also thought that we should not go into the
22 precinct. what happened? I think it was Jim Walker who said

23 Q When you say, "we," could you tell us the name of
24 the people whom you were discussing this with?

25 A Jim Walker was there. Derek Winans was there at

1 that time.

2 Q Is Jim Walker a member of CORE?

3 A No. I was the only representative of CORE there
4 at the time. I think there was some assumption on the basis
5 of, I guess, our experience in the community that CORE was
6 most likely able to figure out what ought to be done in the
7 situation, and many people were asking questions of me as to
8 what should be done.

9 A It was suggested that we call some of the people in the
10 community. In fact, some one put a call in for Tim Still to
11 come to the area, and I think he was at a meeting and he and
12 Don Wendell came over. Oliver Lofton came over. In fact,
13 as the crowd got larger I began to get a sense of the mood
14 that was being created there, particularly when the policemen
15 had parked their car in the driveway of the gas station
16 across the street from their garage and they left the door
17 open. Later one of the patrolmen who had been involved in
18 the incident came out to move the car and close the door and
19 get something out of the car.

20 A When he came out the entire crowd then moved over to
21 the car and confronted him. People were saying, "What did
22 you do? What happened?" I think it was Jim Walker who said,
23 "wait a minute." He asked the patrolman very calmly what
24 had happened. The patrolman just said, "He punched me in
25 the mouth," or something to that effect. Everyone looked at

1 him very carefully and saw no indication of any bruise or
2 anything like that. There was kind of an outburst of
3 disgust and people were saying, "Oh, bull" and "You are
4 crazy" and stuff like that.

5 that It was very obvious that the temperament was beginning
6 to boil. other thing. I said I was beginning to feel a

7 sense Q of Prior to the patrolman coming out there, there
8 were thirty to forty people milling around. What was the
9 kind of things that the crowd was saying? What did it
10 believe had happened to Smith and what were they saying?

11 A They were saying things like, "We are tired of
12 this shit. It happens all the time."

13 Negro There were two girls who said they had followed the
14 patrolman up the steps of the precinct, and they said that
15 they had seen him hit additionally when they got him into
16 the precinct. we get me in touch with Spine? He says, "I

17 don't know who MR. DRISCOLL: How old were these girls? with

18 him. We will THE WITNESS: I don't know. right away."

19 It was oh MR. DRISCOLL: Well, approximately. on saying.

20 "Let's go in t THE WITNESS: I would say they might have been
21 a lawyer fifteen or sixteen. There were all kinds of

22 who is in statements indicating that the mood was very tense.

23 Q By Mr. Jaffe: are or after the patrolman came out?

24 Q Did anybody at this time believe that Smith had
25 been killed? Is that about an hour? Is this around ten o'clock?

1 A No. In my mind the whole question of that rumor
2 had been terribly distorted and used out of context.

3 Q But at this time --

4 A Definitely not. There was no statement or nothing
5 that I heard at least in moving around.

6 One other thing. I said I was beginning to feel a
7 sense of real steam building up. I myself went over to that
8 pay phone that stands right there in the gas station and
9 called police headquarters down town. I spoke to Lieutenant
10 Brent.

11 Q Lieutenant who?

12 A Brent, B-R-E-N-T. I believe he is one of the few
13 Negro police officers in the Newark Police Department. I
14 said, "Brent, this is Bob Curvin from CORE. I am up at the
15 Fourth Precinct, and we have got a very bad situation up
16 here. Can you get me in touch with Spina?" He says, "I
17 don't know where he is, but we will try to get in touch with
18 him. We will try to get somebody up there right away."

19 It was shortly thereafter that the crowd began saying,
20 "Let's go in the precinct," and we were still waiting for
21 a lawyer to come. At just about this time a woman came up
22 who is in the project, Mrs. Esther Williams.

23 Q Was this before or after the patrolman came out?

24 A After.

25 Q Was that about an hour? Is this around ten o'clock?

1 A I would say maybe it is approaching ten o'clock.
2 Everybody is now talking about going into the precinct, and
3 it was my feeling we should wait, but Esther Williams came
4 up. A Yes.

5 Q Would you describe her background?

6 A She is very active in the Hayes Project Tenant
7 League and very active in the community, very highly
8 respected as a community leader.

9 Q How old a woman is she?

10 A I don't know. Maybe she is thirty-two, thirty-
11 three. But in any event, she says, "Don't wait to go in now.
12 My husband was beaten in that precinct about two years ago,"
13 or some time ago. "If we had gone in when they took him in,
14 it never would have happened. Go in there now."

15 There was nobody that could have held them back from
16 going in after that. The group went in together, and I went
17 in front of the group.

18 Q How many people walked into the precinct station?

19 A Everybody wanted to go in. As we got to the door,
20 a number of policemen said everybody can't go in, and I
21 think about twelve people went in altogether.

22 Q How many were outside at this time?

23 A I would say maybe seventy, seventy-five people.

24 Q It had grown pretty much?

25 A Right.

1 Q Were there any rocks thrown or any violence?

2 A No.

3 Q Did Mrs. Esther Williams go in with you?

4 A Yes.

5 Q And you went in?

6 A Yes.

7 Q Do you know the other people who went in?

8 A Donald Tucker, Jim Walker.

9 Q If these people are in any way related to official
10 organizations in the community, could you give us those?

11 A Jim Walker was working for the UCC at the time.

12 So was Donald Tucker. I remember them very clearly because
13 they were part of the group that went back to the cell,
14 which I will describe later, to see Smith.

15 In any event, just as we were walking into the door we
16 got to the desk. Inspector Melchior came in through the
17 back. He identified himself as the commanding officer for
18 that night and asked what had happened. Everybody was trying
19 to say at the same time what they had heard or what people
20 were talking about in the street.

21 He immediately asked to see the arrest report, and then
22 he looked at the arrest report.

23 Q Was it your opinion that this was the first time
24 that Inspector Melchior was cognizant of the fact that the
25 mob had been outside because of the Smith arrest?

1 A I don't know how he came in. I don't know if he
2 drove by the front. I don't know if anybody informed him as
3 to what was happening outside. I don't know if he realized
4 there was a crowd outside.

5 He looked at the arrest record, and he called the two
6 patrolmen who had arrested Smith over to him.

7 One thing that was very interesting to me was that he
8 said to one of the patrolmen, "Your pants aren't ripped."
9 He looked down and he says, "Yes, I know." "It says your
10 pants are ripped on here." He says, "Well" and he took a
11 pencil and he made a pencil mark on the arrest record. Then
12 we began talking to him and we said --

13 Q Would you know the name of that patrolman?

14 A I know what the two of them look like. I don't
15 know whether it was DeSimone or the other one, but I could
16 recognize him. If I had to take a guess, I think it was the
17 taller of the two. The other one is quite short.

18 Q Do you know the names of the two arresting officers,
19 by the way?

20 A I think it is DeSimone and DeAngelis, or something.
21 I know one of them is DeSimone. I don't recall the other
22 one right now.

23 Q I didn't mean to interrupt your narrative.

24 A We requested that we be allowed to go back and
25 inspect the prisoner, to see him.

1 know. Q The You requested this of Inspector Melchior?

2 hurt? A Yes. At first he seemed to be opposed to the idea,
3 but he later said, "Okay, I will allow four people to go."

4 He was Jim Walker was the one who was kind of negotiating with
5 him as to who could go and whether or not we could go. He
6 designated the people that would go. I don't remember all
7 of them. I know that Donald Tucker was there because he
8 took notes of our conversation with Smith. I was there. I
9 went, and I think that Mrs. Williams, Mrs. Esther Williams
10 went. I am not certain. There was a fourth person whom I
11 don't recall. before you left, could you tell us were there

12 phys? But we went back to the cell block, and when we got
13 back there the bench in the cell is on the left-hand side of
14 the cell. Smith was lying on the bench with his eyes closed
15 and his feet up. indicated to us was that he had a bruise on

16 his head. Q Did you know Smith previous to this? did appear

17 to me. A No. I had never seen him before in my life.

18 Q Just who identified him as Smith, one of the patrolmen?

19 socia A Right. We asked if he would get up. He jumped up.
20 I first asked him what had happened. The first thing he
21 said was, "I was just working; I was just trying to get
22 around. I am not looking for any trouble. I was just trying
23 to make some money."

24 We said, "What happened to you?" He says, "They hit
25 me on the head." I said, "For what?" He says, "I don't

1 know. They hit me on the head." I says, "Well, are you
2 hurt?"

3 When we walked in he really looked like he was hurt.
4 He was moaning in fact. I said, "What hurt you?" He said,
5 "My side hurts me. I have a wound here on my head," and I
6 said, "Well, have you seen a doctor?" He says, "No, I
7 haven't."

8 So after this kind of conversation, and I don't remember
9 precisely everything that was said, we then left and we went
10 back.

11 Q Just before you left, could you tell us were there
12 physical signs on his body of having been beaten, any con-
13 tusions or any evidences of trauma?

14 A We didn't look at him that closely. The only
15 thing that he indicated to us was that he had a bruise on
16 his head. Frankly I didn't inspect it. But he did appear
17 to me to be in pain.

18 I just want to add in my professional experience as a
19 social worker I frequently have interviewed people and come
20 in contact with people who are in physical pain, and I think
21 I have some notion of whether or not a person is feigning.
22 It certainly appeared to me that Smith was wounded. The way
23 he had his body postured at the time indicated to me --

24 Q Was he all by himself in the cell?

25 A He was all by himself in the cell. The way he had

1 his body postured it appeared that he did have pains in this
2 area.

3 Q Do you know the time that Smith was arrested?

4 A No, I don't.

5 Q But the time at which you saw him was approximately
6 ten or ten-fifteen?

7 A Right.

8 Q So you were the first group of people to see him from
9 the outside after his arrest?

10 A I don't know of any other group that saw him. We
11 went out and asked Inspector Melchior why this man had not
12 been seen by a doctor. So he said, "Just a minute." He
13 called over a Lieutenant from the desk. He said, "Has Smith
14 been seen by a doctor?" The Lieutenant said, "He hasn't
15 asked for one."

16 At that again the people that were in the precinct said,
17 "He hasn't asked for one? A prisoner has to ask for a
18 doctor in order to be examined by a doctor if he is injured?"

19 By this time I want to add a number of people were still
20 in the precinct who had not gone back to see Smith. They
21 were walking around.

22 Q This was part of the original group of twelve?

23 A Yes. It appeared to me there might have been a
24 few more that had come in. Shortly after this conversation
25 took place and Melchior says, "Get a doctor for him," or

1 something to that effect, we then went back to the room.
2 Oliver Lofton came in with Tim Still and Don Wendell, and we
3 then had a conversation with Inspector Melchior about what
4 would happen now, what would be done.

5 with So it was thought that the most sensible thing to do
6 would be to have the people who had witnessed the incident
7 come in and speak to Inspector Melchior about what they had
8 seen. So someone went outside and asked a group of people
9 who had witnessed the incident --

10 said Q What was Inspector Melchior's attitude to this
11 request?

12 A He agreed to it.

13 Q Had a doctor been summoned yet?

14 A Yes. Right after we finished our conversation, in
15 fact a patrol car took Smith to the hospital, and a number
16 of people who were part of the group from outside went over
17 to the hospital, followed the patrol car over to the hospital,
18 because frankly no one trusted the police enough to take
19 someone to the hospital even in a situation like that.

20 Q When Smith was taken to the hospital by the patrol
21 car, did he go under his own power or was he carried when he
22 left the cell?

23 A I don't know. I didn't see him taken out. He was
24 taken out the back through the garage. Just prior to
25 meeting with Inspector Melchior when the man was taken out,

1 I think just about everyone went back outside as the car was
2 driving off because the crowd had gathered around the car,
3 and there was an effort to move them back. Tim still went
4 out and we all went out together and we went back to meet
5 with Inspector Melchior.
6 In any event, a number of people who said they witnessed
7 the incident were brought in to speak to Inspector Melchior.
8 The first person who began to state what had happened was a
9 young girl. I don't recall if it was the young girl who
10 said she had followed him up the steps, but she began
11 describing the way that she said she had seen Smith dragged
12 across the street and kicked.
13 At this she was interrupted by a woman who I say might
14 have been about forty years old who said, "Wait. We don't
15 just want to talk about Smith; we want to talk about what
16 we see here happening every day time and time again."
17 So at this point someone from the group said, "Well,
18 we can't talk about that right now, but that is important."
19 She said, "If we are not going to do anything about what we
20 can see from our windows here happening in this neighborhood
21 every day, what the hell good is it?"
22 I think it is very significant to appreciate that we
23 are not talking about, at least in my mind, an isolated
24 incident; we are talking about a pattern that has been
25 witnessed by the community for years, and Smith in my mind

1 represents just a part of that pattern. feelings.

2 Q How many people would you say were in the precinct
3 at that time?

4 A I would say maybe twenty, twenty-five people.

5 Q About what time was this? Ten-thirty? We sort of
6 have you going in around ten, ten-fifteen.

7 A I really don't know. I don't have a watch. Things
8 were happening so fast in a situation like that you are
9 hardly aware of time sequence.

10 Q Would you have an idea as to what the size of
11 the crowd outside the Fourth Precinct was like at this time?

12 A It was very obvious that the crowd was getting
13 quite large at that time. In fact, people were beginning to
14 jump and trying to look into the window to see what was
15 going on. At one point I walked over to the window and
16 looked at the size of the crowd outside. I would think that
17 it was well over 150 people.

18 Q Was any effort being made to inform the crowd
19 outside that Smith had been taken to a hospital?

20 A Well, most of the people who were there I think
21 at that time or just prior to that had seen the car leave
22 with him. This is another reason why the rumor of his death
23 I think has been terribly and dishonestly used.

24 Q I don't want to interrupt your narrative. You
25 are back at the point where you are talking to Inspector

1 Melchior and this woman is discussing her feelings.

2 A Several people then related what they had seen,
3 and their stories to me were not in any way contradictory
4 or conflicting. There seemed to be an agreement that all of
5 them had witnessed this man harshly treated by these two
6 patrolmen when he was brought into the precinct.

7 After that we talked further with Melchior, and it was
8 decided among ourselves we would encourage the crowd outside --

9 Q When you say among yourselves --

10 like a little MR. DRISCOLL: Would you let him answer that
11 question?

12 MR. JAFFE: Which question?

13 MR. DRISCOLL: He has not finished his
14 answer. "It was decided among ourselves that we
15 would --

16 THE WITNESS: We would encourage the crowd
17 of people to go home and return down town the
18 next morning to have a meeting at City Hall and a
19 demonstration. In fact, I thought that was a very
20 bad idea at that point because my sense was that
21 the crowd wasn't prepared to go home and that there
22 needed to be more concern about doing something
23 with them that was constructive and allow them to
24 express their dissatisfaction with what had hap-
25 pened.

1 By Mr. Jaffe:

2 Q I just wanted to find out the group you talked
3 about when you said, "among ourselves." Who were those
4 people?

5 A Oliver Lofton, a guy by the name of Coxon from
6 Legal Services, Tim Still, Don Wendell, Jim Walker and
7 several other people, some of whom I don't know.

8 Q Was Inspector Melchior in on this conversation?

9 A No. He was standing off. In fact, it was kind of
10 like a little caucus off to the side.

11 So it was then decided we were going outside and tell
12 the group to go home. I was asked by Tim Still to speak to
13 the group first, and then Oliver was going to speak and then
14 Tim was going to speak and encourage them to go home and come
15 back the next morning down to City Hall and demand a meeting
16 with the Mayor and have a protest demonstration.

17 I got up on the car.

18 Q What car?

19 A There was a car right on the corner of -- what is
20 the side street?

21 Q Right next to the Fourth Precinct?

22 A Right by the gas station again on the west corner.
23 And I said that everybody knows what had happened, and that
24 at this point we are going to do something about it and if
25 we get together, we can do something about it and we are

1 asking that people come down town tomorrow morning and show
2 how many people are interested in this and we can meet with
3 the Mayor and so on.

4 I don't know exactly what else I said. After I got
5 done Tim Still, I believe, was speaking. He didn't get up
6 on the car. I think he stood on the bumper of the car. As
7 he was talking in fact from the west side of the crowd, a
8 number of Molotov cocktails were thrown against the west
9 precinct wall.

10 Q Was this the first sign of any violence?

11 A This was the first sign of any violence at this
12 point.

13 Q How many people were in the crowd at this point
14 approximately?

15 A I would say maybe two hundred.

16 Q What was the mood of the crowd prior to the
17 throwing of the Molotov cocktail when you spoke?

18 A Well, I didn't get any impression that the mood
19 of the crowd was any more volatile than it had been when I
20 called Spina much earlier in the evening or when I called
21 the police headquarters and asked to speak to Spina much
22 earlier in the evening. It seemed to me that they weren't
23 anxious to go home. That was very obvious. There was no
24 effort to challenge anybody that was speaking. I wasn't
25 challenged at that point at all by anyone in the crowd,

1 which I expected to happen, but it didn't happen.

2 cock When Tim was speaking, he was hardly audible, by the
3 way, which I think is also something that might be sig-
4 nificant. But at this point when the cocktails were thrown
5 everybody then dispersed and began running.

6 Q Just to stop you there, could you estimate for us
7 what the breakdown of the crowd was, for example, women,
8 children, age, just your approximation. What was it mostly
9 composed of?

10 A I would say there were a good number of children
11 there, young children. I am talking about eight, ten,
12 eleven. There were many adults there and a good number of
13 teen-agers in the crowd.

14 Q Was there a sprinkling of women in the crowd, too?

15 A Many women in the crowd.

16 Q There was no predominate age group? Is that your
17 best recollection? I don't want to put the words in your
18 mouth.

19 A If I had to guess, I think the predominate age
20 group were younger people because of the teen-agers and the
21 kids, but there were a significant number of adults there.

22 Q When you spoke to the crowd, did you tell the
23 crowd that Smith had gone to the hospital, to reaffirm that
24 even though you knew they had seen him leave?

25 A I don't think I did. I don't recall.

1 Q Let's get back to your narrative. The Molotov
2 cocktail was thrown.

3 A By the way, again the question of Smith supposedly
4 being killed, or a rumor that he was killed never came to
5 my attention until the following day when I saw newspaper
6 accounts that alleged the violence had started because many
7 people thought that Smith was killed. I don't think that
8 there were many people, if any, out there that evening, at
9 least on Wednesday evening, who had any notion that Smith
10 had been killed.

11 After the Molotov cocktails were thrown, the crowd ran
12 mostly toward the Hayes Project, into that area there where
13 the parking lot is right across the street from the
14 precinct. Just about at the same time suddenly a group of
15 helmeted policemen came charging out of the precinct and
16 then moved in both directions in kind of like circles at
17 the precinct.

18 Inspector Melchior came out and Lofton and Wendell and
19 myself and Tim Still all went over to talk to Inspector
20 Melchior.

21 Q How many policemen came out? You said a group
22 came out. Do you have an approximation?

23 A I don't remember, but I would say somewhere maybe
24 twenty-five, twenty-eight, thirty.

25 Q What did they have, billy clubs and helmets?

1 A Yes. During the discussion with Melchior there was

2 Q Were there any rifles or shotguns?

3 A No. I didn't see any rifles or shotguns.

4 Q Was the police reaction instantaneous, or was there
5 a time period between the throwing of the Molotov cocktail
6 and the police coming out?

7 A I would say it was not an instantaneous reaction.
8 There might have been a time lag of a couple of minutes. I
9 think it was interpreted by us in response to the Molotov
10 cocktails.

11 Q Just on the rumor of Smith's death, do you know
12 whether or not that rumor originated over the cab radios?

13 Do you know if that is the place where it originated?

14 A I was going to get to that. Much later when the
15 cabs were lined up on Belmont Avenue I spoke to several of
16 the cab drivers, and I told them that I had been in the
17 precinct and had seen Smith, and none of them indicated to
18 me that they thought Smith was dead. I certainly knew he
19 was not dead, and I still hadn't heard anything like that at
20 that point.

21 Q Then let's get back to the twenty-five patrolmen
22 approximately who came out of the precinct with Inspector
23 Melchior. At this point was there any contact between the
24 patrolmen and the crowds, or was it just a physical lining
25 up?

1 point A No. During the discussion with Melchior there was
2 one rock thrown, and that I don't think hit anybody. It
3 almost hit me, but that is how I know it was thrown. But
4 in talking to Melchior we thought that there was still a
5 possibility of getting the crowd together and creating
6 something constructive out of it, something peaceful.

7 We asked Melchior to allow us another opportunity to
8 try to handle the group. At this time though there was some
9 name calling going on between the police and some of the
10 group around the precinct. There was another incident that
11 I don't know exactly the timing on. I think it was right
12 about this time. An elderly white couple came walking by
13 the precinct with a very large dog and one of the policemen --
14 I was standing very close to him when this happened, so I
15 heard it with my own ears -- yelled to the couple, "why don't
16 you take that dog across the street with the rest of the
17 dogs?" Several people heard this and began shouting
18 epithets back at this policeman. In fact, there was one
19 lady who walked across the street and I led her back across
20 to the other side of the street because she was very
21 emotional about it and started cursing at the policeman and
22 so on. and especially in view of the incidents the previous
23 Saturday But it was eventually decided that eight of the
24 policemen would stay outside and Melchior would ask the
25 others to go back into the precinct, and they did. At this

1 point we had additional discussions, and it was thought that
2 the only thing to do would be to try to take this group and
3 turn it into some kind of a peaceful demonstration, which I
4 frankly thought might have been possible at that time. Again
5 it was decided that I would speak and Oliver Lofton would
6 speak and Tim Still would speak.

7 Q: Was the crowd constantly growing larger?

8 A: Yes. I think that there were more people there
9 now, together, in addition to that, some of you did not

10 Q: Approximately three hundred or so?

11 A: I don't know if it ever got that high. I would
12 say it might have been two hundred fifty or so. But again
13 this Inspector Melchior brought out a bull horn, and he gave
14 it to me to speak first. I got on top of a car right in
15 front of the precinct this time and asked the crowd to
16 assemble together. To the best of my recollection I can
17 tell you exactly what I said.

18 Q: Please tell us.

19 A: I began by saying that it was obvious that the
20 Newark police have again declared war on the black community
21 and that judging by what had occurred in the last couple of
22 weeks, and especially in view of the incident the previous
23 Saturday night or Saturday morning on Fourteenth Street that
24 we were going to get together and do something about police
25 brutality.

1 At one point I think I even asked them, and kind of in
2 a questioning way said, "Are you tired of the police beating
3 black people in the city?" And they responded and said yes.
4 And then I said, "Do you want to do something about it?"
5 They said yes. Then I went on to say, "Well, the only thing
6 we have to do here is get together and be together and be
7 united, and that means that everybody out here can't be a
8 leader; that if we decide on what we want to do, we have to
9 do it together. In addition to that, some of you are out
10 here who want to fight, but what have you got to fight with?
11 You can't beat the police. The police have the guns. The
12 police have the weapons and everything, and you can't win."
13 Then in addition to that I pointed out that there were
14 children and women in the crowd and that if anything violent
15 occurred that it was likely that women and children would be
16 hurt.

17 Following this kind of line we suggested that we would
18 have a march and a demonstration in front of the precinct
19 as long as we chose to. That was the essence of what I
20 said.

21 Q Was Inspector Helchior outside with you while you
22 were making the speech?

23 A Yes.
24 Q He concurred in the suggestion of an orderly
25 demonstration?

1 A, I don't know.

2 Q Was there any opposition from the Police Department,
3 from him?

4 A No, I don't think so.

5 Q Then could you tell me what happened next?

6 A Then after that I got down off the car, and I
7 think Oliver Lofton spoke next. He told them that the
8 problem could be dealt with legally and that Legal Services
9 was prepared to make their resources available to the com-
10 munity and so on, and went on in that vein.

11 Then Tim Still spoke again and said something about
12 having to march. After all of this was over we suddenly
13 then moved to the corner of Seventeenth to try to organize
14 the group into the march. As we were getting a number of
15 people together and some of the people, in fact a large
16 amount of the people did get together on the corner, a fire
17 flared up in the parking lot in one of the cars.

18 Q Whose car was this, a police car?

19 A No, it wasn't a police car. In fact, actually it
20 was an old abandoned car that was set on fire. At that
21 point everything just broke up. People started running.
22 The police ran back inside, a number of policemen ran back
23 inside. Then the fire engine came and then the police moved
24 out into the street and moved across toward the projects.

25 At this point I headed down toward Belmont Avenue and

1 my wife, who had by this time become aware of what was going
2 on, had come over to that area by the cab and I was looking
3 for her and I found her and took her to a corner and sent
4 her home. Then I myself rounded up a number of people who
5 I work with in the community and got them in my car and took
6 them away from the scene.

7 Q Why did you do that?

8 A Because, first of all I was certainly not interested
9 in seeing people whom I work with in the community standing
10 around or being a part of what was going on.

11 Q Was it at this time that the concept of the
12 peaceful demonstration was gone and the crowd became a mob?
13 Was this the point?

14 A Well, in my mind the concept of the peaceful
15 demonstration obviously was only in the minds of a very few
16 people, mainly people who were trying to encourage the crowd
17 that there would be a peaceful demonstration. It was obvious
18 from the way the group responded to the speeches. The
19 people who did not want a peaceful demonstration just sat
20 back and allowed us to go through the motions of making the
21 speeches. After it was over it was obvious, especially among
22 the kinds there, that they were going to do what they
23 obviously wanted to do.

24 Q When you say kids, are you talking about teen-agers?

25 A These were teen-agers.

1 significant. MR. GIBBONS (PRESIDING): Were there any
2 Martinez ringleaders among them?

3 Martinez in the THE WITNESS: Not that I know of.

4 group of By Mr. Jaffe:

5 the Q Just your opinion based in retrospect from the
6 period, say, approximately nine-thirty or ten until this
7 period, which I gather is closer to twelve now, what could
8 have been done to have controlled that situation do you
9 think?

10 A Well, I think one of the things that could have
11 been done is for the police to have responded at least more
12 sympathetically to the problem that was being posed by the
13 people in the community. He was a man who at least to
14 eyewitnesses had been beaten. He had then not received any
15 medical attention until it was requested of them by a
16 citizen's group that only by their own demands and action
17 got in to see him and in many cases this never occurs.
18 There was no occasion that I saw that the police felt anything
19 was wrong, that anything had happened; that it was just,
20 you know, the community again raising the biased charges of
21 mistreatment and it is like a routine. "We are going to
22 investigate it. You don't know what happened. The
23 patrolmen say they were assaulted," and so on right down
24 the line. fourteen or fifteen hours straight waiting in

25 I want to point out something that I think is also very

1 significant. I am sure all of you have heard about the
2 Martinez case in 1965. When Lester Long was shot by Henry
3 Martinez in the North Ward of Newark in 1965 in front of a
4 group of maybe twenty-five-thirty people with one dead shot,
5 the paper on the next morning reported that Henry Martinez
6 had slipped, tripped, and his pistol went off accidentally
7 shooting Lester Long in the back of the head and killing him.

8 Well, the crowd that saw the shooting, when a tow truck
9 was sent by the police to carry away Lester Long's car, they
10 attempted to turn over the tow truck.

11 MR. DRISCOLL: They being the crowd?

12 THE WITNESS: They being the crowd. Just
13 prior to that there had been some violence in
14 Elizabeth, New Jersey, in 1965. Very early that
15 morning I was called at my home about this case,
16 and I and several members of CORE went over to the
17 area. We talked to people about organizing,
18 doing it peacefully, going down to see the Mayor
19 and the same kind of things that we had presented
20 to the crowd at the Fourth Precinct. But at that
21 point they believed in us. They believed there
22 was a possibility of doing something.

23 We worked in that area for something like

24 Belmont Ave fourteen or fifteen hours straight talking to

25 people in the taverns, telling them, "You have got

1 the cab driver to join the group and if we work together, we can
2 talking. "do something about it."
3 that I had seen I mentioned Elizabeth because there were
4 they thought people that were telling us at that time, "We are
5 what they going to do just what they did in Elizabeth." We
6 ride around were able to beat that kind of thought and that
7 they were situation. But we went through the whole process
8 found out and nothing happened. We have gone through it
9 with so many cases. Nothing happened. They don't
10 believe that an organization like CORE can do
11 anything for them in a case like that that can
12 really bring justice in a situation like this. We
13 have no evidence that we can.

14 By Mr. Jaffe:

15 Q What time did you leave then?

16 A Had I left the precinct?

17 Q No, did you leave the general area? You said you
18 took some people in your car.

19 A I took people in my car and we left the area just
20 about the time when the cabs were coming on the scene. I
21 don't know what time that was.

22 Q Could you describe that?

23 A Later on a number of cabs began to come along on
24 Belmont Avenue and line up. I don't know how many there
25 were. Maybe twenty, twenty-five, thirty. I knew some of

1 the cab drivers. I know them from the community. We began
2 talking, and I talked about what had happened and told them
3 that I had seen Smith. None of them indicated to me that
4 they thought Smith was dead. They didn't. I didn't know
5 what they were going to do. They told me they were going to
6 ride around to the front of the precinct. I had no idea
7 they were going down town or anything like that, which I
8 found out later.

9 Q What was the state of the crowd? What was its
10 characterization about this time? What was it doing?

11 A At about this time most of the crowd had run off,
12 and I assumed that most of them were actually in the projects
13 because I imagine a great number of people live in the
14 project area.

15 Q In other words, the police charge after the fire
16 had fairly effectively dispersed the crowd?

17 A The crowd was really gone.

18 Q There was no looting or anything at this point, or
19 any more violence?

20 A Looting had taken place prior to this point.
21 There had been one or two stores right on Belmont Avenue that
22 were looted.

23 Q When was that?

24 A That was immediately after the crowd dispersed.

25 In fact, it was within three or four minutes that took place.

1 Q Then the crowd had basically dispersed?

2 A Right.

3 Q Then what happened?

4 A Well, after that, and I don't know what time it
5 was by then, the people that I had taken in my car, taken
6 home were Joe Price, Jesse Allen, Betty Moss, Mary Lee, and
7 that's all. We went home.

8 Q Was there any attempt by the Newark Police Force
9 to prevent looting of the liquor stores on Belmont Avenue?
10 Did you see any?

11 A I didn't see any. After that had happened police
12 positioned themselves in front of the stores later. You
13 mean the looting or the breaking in?

14 Q Both.

15 A After the stores had been broken into police did
16 position themselves in front of the stores.

17 Q Then what happened?

18 A Then after that I told you I went home.

19 Q Could you tell us what happened the next day?
20 Were you involved at all?

21 A You mean the next night?

22 Q The next night or the next day, whatever your
23 recollections are as to the stage of the riot and how it
24 progressed.

25 A The next day at about two-thirty or so I attended

1 a meeting at City Hall with Jimmy Hooper, who was also there
2 from CORE who is presently chairman of the chapter. The
3 Mayor was there and Police Director Spina was there. Jimmy
4 Hooper as a representative of CORE spoke first and stated
5 to the Mayor in the course of five or six days we have had
6 two major incidents of allegations of police abuse.

7 Q What was the other major incident?

8 A The incident on Fourteenth Street at East Orange-
9 Newark line.

10 MR. DRISCOLL: I don't think this has been in
11 the record at all.

12 MR. JAFFE: No. We have not heard about that.

13 THE WITNESS: It was stated the organization
14 wanted to know what was going to be done about it.

15 At this point or after this Spina spoke and he
16 said, "well, I am aware of what happened last
17 night. We are going to have this whole thing
18 investigated. In the meantime, the two officers
19 will be assigned to administrative duty, but you
20 have got to realize my men are being assaulted all
21 over the city," and so on.

22 At this point I said to the Mayor that every
23 time we come to your office with a complaint
24 relative to police mistreatment and the police
25 director is here, we hear the same thing. We have

1 been hearing it for five years, and it is almost
 2 like a record, that the police officer will be
 3 Thursday assigned to administrative duty; the incident will
 4 of tension be investigated; that my policemen are being
 5 assaulted, and so on right down the line.
 6 for a very short At this the police director said to me, "Mr.
 7 up until Curvin, you know you are not telling the truth."
 8 the meeting I said, "Are you calling me a liar, Mr. Spina?
 9 New York Well, I think you are a liar." He says, "Well now,
 10 that evening you are getting personal and I don't like that."
 11 taken place I said, "I am very sorry, but that is the way I
 12 feel." you tell us your own words during
 13 the riot? Here After this kind of thing went on for a while
 14 the meeting I left the meeting, and Jimmy Hooper stayed for a
 15 while later and came out and spoke to me. There
 16 I rode all was absolutely no recognition of the nature of the
 17 Avenue, an situation that existed in the community. What had
 18 what was happened the previous night was described as an
 19 Clinton Av isolated incident, and policemen on the Newark
 20 the situat Police Department have told me that even the two
 21 police officers who were involved in the incident
 22 Springfield were never assigned to administrative duty, and
 23 Eighteenth that they have been carrying out their duties in
 24 Springfield the same way in the same assignments ever since
 25 and the po the incident occurred.

1 was broke By Mr. Jaffe: a number of cars, maybe four or six
2 cars Q: Was there anything going on in the community
3 Thursday morning or Thursday afternoon? Was there any kind
4 of tensions building up, or planned demonstrations?

5 A: I didn't know because I was only in the community
6 for a very short period of time. I had been in New Brunswick
7 up until the time of the meeting with the Mayor, and after
8 the meeting with the Mayor I left to go to a meeting in
9 New York City and I didn't return to the city until very late
10 that evening, in fact much later after the demonstration had
11 taken place and the violence had begun over again.

12 A: Q: Could you tell us your next observations during
13 the riot? Were you involved in it at any other stage of
14 the negotiations, or the withdrawal phase?

15 A: On Thursday evening when we came back to the city
16 I rode all over the city. I rode up and down Springfield
17 Avenue, and I walked up and down Springfield Avenue observing
18 what was happening until, I would say, one o'clock or so,
19 Clinton Avenue and so on. It appeared to me, number one,
20 the situation was already completely out of control. The
21 police obviously had no plan of action at all. In fact, on
22 Springfield Avenue in the area around Tenth Street and
23 Eighteenth Avenue across Springfield, where it crosses
24 Springfield I observed many of the stores being broken into
25 and the police who were down further east, when each store

1 was broken into, a whole number of cars, maybe four to six
2 cars would come speeding by the store and not even stop,
3 just ride by with their sirens and ride close to the curb
4 and then take off. It was sort of like an airplane squadron
5 buzzing ground troops or something like that. There just
6 seemed to be no effort to do anything that was preventative
7 in terms of encircling or curtailing the movement of the
8 crowd up Springfield Avenue. The police just seemed to be
9 in fact pushing the crowd up Springfield Avenue towards
10 Irvington.

11 In riding around areas like Bergen Street and Clinton
12 Avenue at this point it was very obvious that the word of
13 the riot was spreading very rapidly and groups of people
14 were congregating on corners. Again there were no police
15 in sight to do anything in a preventive way.

16 Q What were the next things you observed?

17 A After that on Friday again I was not in the City
18 Hall at all. In fact, I went to New York and couldn't get
19 back past the barricades. On Saturday I spent a great deal
20 of time -- first I went down to the UCC and I met with some
21 of the people from the Department of Community Affairs who
22 were making plans to bring in some resources for the com-
23 munity, food and so on. I helped to discuss some of the
24 plans and the locations where resources could be established.
25 Later I talked to a number of organizers in the community.

1 I attended the meeting in City Hall of the so-called Peace
2 Group of Ministers even though I did not consider myself a
3 part of that group. On Saturday evening I was not in the
4 area at all.

5 Q Were you involved at all with the Governor in the
6 negotiations between the Governor and the community?

7 A Well, I understood that several meetings had
8 taken place with the Governor with the various delegations
9 from the community. Very late Sunday evening -- I imagine
10 it was about eleven o'clock or so -- I received a call where
11 I was staying that the Governor would be willing to meet with
12 me and Tom Hayden, and a meeting was arranged at the United
13 States Attorney's office at the Federal Building in Newark.
14 This meeting took place around twelve-thirty a.m. or maybe
15 a little later.

16 Q Is Tom Hayden a member of CORE?

17 A No, he isn't.

18 Q Does he head an organization in the city?

19 A No.

20 Q Isn't he chairman for the Students --

21 A They don't have a structure like that. You have
22 to know the new left.

23 Q The old new left or the new new left?

24 A He is an organizer in Newark, and he has worked in
25 the black community since 1964, and he has been very much

1 involved, or was very much involved in the organization of a
2 group called the Newark Community Union Project. He is a
3 very good friend of mine.

4 Q Who was present at the meeting in the United States
5 Attorney's office? You, Tom Hayden, the Governor, and who
6 else?

7 A Dr. Yivisaker, Colonel Kelly of the State Police.
8 There was another gentleman there from the Governor's staff
9 whom I don't recall.

10 Q Mr. Bilder?

11 A No. Oh, yes, Bilder was there, and another guy
12 was there, too.

13 MR. MEYNER: Spinelli?

14 THE WITNESS: No.

15 By Mr. Jaffe:

16 Q Stan Van Ness?

17 A No. Mr. Satz was also there. The Governor was
18 interested in discussing with us our impressions of what
19 was going on in the community at the time. On Saturday, by
20 the way, after the meeting at City Hall I did have some
21 contact in the community. I walked up Springfield Avenue
22 for a while, and I talked to quite a number of people and a
23 number of people from CORE and some of the organizers from
24 the Area Board. We had a meeting later that evening or early
25 Saturday evening to discuss primarily the press reaction to

1 what was going on in Newark which we felt to be extremely
2 harmful and distorted, particularly the Governor's statement
3 which was completely punitive at that point; that criminal
4 insurrection and people who hate our country are involved,
5 and statements of this kind. We felt that nothing was being
6 said that addressed itself to the fundamental problems of a
7 situation like this.

8 Q Could you tell us what you told the Governor?

9 A When we met with the Governor, he was, number one,
10 interested in knowing something about what was happening in
11 the community at the time. We did get into a discussion of
12 the riot and what was happening. I did make an effort to
13 the best of my ability to explain that I didn't believe that
14 most of the behavior and a great deal of the behavior he was
15 describing as criminal was criminal because I described
16 something that I had seen Thursday night in fact, a young
17 girl, maybe fourteen, and a young boy about the same age
18 going into a store on Springfield Avenue that had all kinds
19 of very attractive and exciting items that you might think
20 teen-agers would be interested in like tape recorders and
21 radios and so on. They went to the back of the store and
22 dragged out a double bed mattress.

23 I felt, and I still feel, that to me is a comment on
24 poverty and deprivation. I think that this kind of behavior
25 was evident throughout the whole disturbance in the city.

1 Q Was there any discussion at this point with the
2 Governor as to the withdrawal of the State Police and
3 National Guard?

4 A Yes, there was. This was fairly early morning in
5 fact. The entire city, just about the entire Negro com-
6 munity anyway in the commercial area of the city had the
7 stores broken into. On Saturday evening and Sunday especially
8 there was tremendous evidence of the police rampantly and
9 indiscriminately shooting up the community. In many cases
10 areas where people were just sitting in their homes, windows
11 were being shot into and buildings were being shot at.

12 From what I could observe in my contact with the com-
13 munity, and Tom felt the same way, that the rebellion on
14 the part of the community was essentially over and that now
15 we were in a period of retaliation by the police forces that
16 were sent into the city to restore order but were in fact
17 continuing the disorder by their shooting and their attacks
18 on the community. The Governor felt that the people in the
19 community wanted that National Guard to be riding up and
20 down the street in their open trucks with their rifles dis-
21 played as a show of confidence that order would be restored.

22 It was my impression, and I think it was an accurate
23 one from talking to people and observing what was happening,
24 that the black community was scared to death of the National
25 Guard and the State Police and has long been scared to death

1 of the Newark police, and that the continuance of this show
2 of force was only going to perpetuate the conflict that
3 existed in the community.

4 Q What was the Governor's reaction?

5 A Well, it was my impression that the Governor was a
6 bit surprised to hear that. He consulted with Colonel Kelly
7 and Colonel Kelly indicated that he was not prepared to
8 consider troop withdrawal at that point, but Dr. Ylvisaker
9 apparently was supportive of the idea of withdrawing the
10 troops at that point.

11 I think a very constructive and helpful dialogue was
12 carried out. In fact, the Governor said something to the
13 effect that it was the first conversation that he had with
14 community leaders that were only interested in talking about
15 the problem and what was going on.

16 As the meeting terminated, the Governor and Colonel
17 Kelly discussed a proposition that I had offered as a way
18 of beginning withdrawal, that withdrawal might be initiated
19 in the South Ward area, which was the least congested and
20 was an area where I and Tom both had the most experience in
21 working with community groups, and we could in fact organize,
22 we felt, an effective clean-up and peace-keeping force to
23 work in the community point of view if withdrawal took place
24 there.

25 Then we suggested that they see what would happen and

1 then if we restored order in that area, then it might be
2 extended immediately to other parts of the city. But at
3 least it wasn't decided that it was going to be done, but
4 there seemed to be some indication that they were willing to
5 seriously consider it.

6 Q I wonder if just based on your experiences during
7 those days you can estimate for us the number of people who
8 participated in the riot in one form or another as looters
9 or any other phase of it. Just a rough guess.

10 A I would say maybe twenty to twenty-five thousand
11 people. Many middle class, too, by the way, which I think
12 is very significant.

13 Q What would you say the number of middle class was
14 percentagewise?

15 A Maybe fifteen to twenty per cent. That is just a
16 very unscientific observation. A social scientist would
17 ride me out of the profession for doing something like that.

18 MR. LEUCHTER: Would you pinpoint that again

19 in terms of participation in various aspects of

20 it? You said twenty to twenty-five thousand.

21 Would most of those have been involved in looting?

22 THE WITNESS: I would say most of them would

23 have been involved -- by participation I would say

24 throwing a rock, which might be considered the

25 least significant in one respect, to the other

1 of Newark extreme of shooting or trying to hurt somebody. I
2 would say the middle class certainly stayed on the
3 safe side of that range in most cases, but I think
4 wonder if they certainly were involved in it.

5 were the cause. To go beyond that, I think it is also true
6 that an extremely large percentage of the community
7 to you, felt in sympathy with the riot, with the acts of
8 violence that were occurring in the city.

9 MR. DRISCOLL: Would you mind defining the
10 impression term "middle class"?

11 THE WITNESS: I would say maybe employed
12 activities earning an adequate salary to support a family.

13 In some cases home owners who are at least employed
14 of housing and able to meet mortgage payments. I don't think
15 what happens you are looking for a very sociological definition,
16 community but the terms of income we have described a family
17 the Police of four that has an income of less than \$3,000 as
18 large per being poor. In an urban community I think a family
19 force in having an income of maybe less than \$5,000 is a
20 poor family.

21 By Mr. Jaffe: but I think it is significant and

22 puts Q You testified quite extensively before about your
23 background in the City of Newark and your work in the com-
24 munity with Rutgers and with CORE and your work with the
25 Welfare Board in Newark and you have been a lifelong resident

1 of Newark.

2 A I haven't been a lifelong resident.

3 Q But you have been in Newark to a great extent. I
4 wonder if you would give us your views as to what you think
5 were the causes of the riot in July.

6 A I have a very short statement that I want to read
7 to you.

8 Q If you like, you can make it part of the record.

9 A I want to preface this by saying that it is my
10 impression that the situation in Newark can be very easily
11 described as the situation around the country in urban com-
12 munities except that in many areas poverty is more grievous
13 than Newark, and we have some particular problems in the area
14 of housing and health but in my mind in trying to understand
15 what happened in immediate terms, the problems of police
16 community relations are the most significant factor in that
17 the Police Department in the City of Newark is seen by a
18 large percentage of the community as the most oppressive
19 force in the community.

20 I wanted to read a statement that I in fact put
21 together some time ago, but I think it is significant and
22 puts the questions of police in a more proper perspective.

23 The Newark Police Department has a long history of
24 chaotic administration, low morale, political interference
25 in promotion and assignments and inefficient police services

1 at high cost. Some of these conditions may have improved
2 over the last few years, but Police Departments have been
3 known to persist in these patterns for long periods of time.
4 It is in this overall context that police community relations
5 should be considered. Policemen are usually of lower middle
6 class origin, often highly prejudiced towards the poor and
7 minority groups. Moreover, because of the nature of police
8 work and their irregular hours, they associate primarily with
9 other policemen. This makes them both occupationally and as
10 a social group one that feels increasingly persecuted,
11 harassed and despised both by lawbreakers and almost everyone
12 who drives a car who to some extent is a lawbreaker, and
13 do-gooders, and recently they even feel a sense of per-
14 secution from the courts. confidence which on analysis of
15 ~~and~~ Policemen often have an almost pathological urge to
16 make people respect them, and one study showed that in the
17 minds of policemen themselves inducing respect for the police
18 was the single most important reason for the use of force.
19 Obviously attempting to induce respect in this way can only
20 do the opposite -- a mutual fear and distrust between police
21 and community festers. ~~in. A former chief assistant inspector~~
22 in If a policeman's normal inclinations run counter to
23 good community relations, often good discipline can offset
24 this; but the discipline of Newark's force has historically
25 not been good. The Bureau of Municipal Research's Police

1 Problems in Newark published in 1943 found a police department
2 in Newark which can be described for the most part only in
3 uncomplimentary superlatives and it concluded that "the
4 overall picture presented is a dismal one."

5 The Department was a political football with lax
6 administration and poor personnel policies. The situation
7 in the mid-nineteen fifties was no better. Don McNamara's
8 study and survey of municipal police departments of the
9 State of New Jersey published in 1958 emphasizes the poor
10 state of discipline in municipal departments throughout New
11 Jersey. "There is a general feeling among the men that
12 outside political contacts will protect them from disci-
13 plinary measures and insure them for promotions and
14 desirable assignments, a confidence which an analysis of
15 assignments and promotions histories in many departments
16 would seem to amply support. In far too many instances
17 policemen guilty of serious breaches of discipline were
18 punished lightly or not at all. The result was rampant
19 corruption."

20 This was the situation in Newark when Mayor Carlin
21 brought in Joseph Welden, a former chief assistant inspector
22 in the New York Police Department with twenty-eight years
23 police service as police director. Welden's appointment was
24 bitterly opposed by the Newark Patrolmen's Benevolent
25 Association and by high-ranking officers in the Newark

1 Department. In November, 1959, Welden established an
2 Inspection Division to deal with charges of corruption and
3 brutality on the part of police officers. Apparently such
4 a unit had not existed before.

5 In 1962 Mayor Addonizio replaced Welden with Inspector
6 Dominick Spina. During the campaign Addonizio had publicly
7 promised Newark Policemen that he would replace Welden with
8 a career member of the Newark Police Department.

9 In the first five and a half years of the Inspection
10 Division's existence or down to the Spring of 1965 only
11 twenty-four formal complaints of police brutality were
12 received and investigated. In just one year there were
13 reported 102 attacks by civilians by Newark policemen. That
14 may mean there is little brutality, which is doubtful, or
15 more likely that citizens are either afraid to make complaints
16 or recognize how useless it is when it is only their word
17 against that of a policeman.

18 Mayor Addonizio rejected demands for a civilian review
19 board in 1963, but the death of Benjamin Bryant, reported
20 by the police to have fainted and hit his head against a
21 steel filing cabinet while in custody, and the death of
22 Lester Long, Jr., shot by Patrolman Henry Martinez renewed
23 demand for a civilian review board. After four hearings
24 and 564 pages of testimony from people both within and
25 without the city, the Newark Human Relations Commission

1 voted 6-6 on the issue of a board.

2 The civilian review board in and of itself alone is not
3 the answer. There is no substitute for a trained, profes-
4 sionally competent department with adequate on-the-street
5 supervision and firm and thorough discipline by responsible
6 administrators. Police brutality does not occur in a vacuum.
7 It is much more likely to be found in a politics-ridden,
8 corrupt department. Creating a clean, competent department
9 is a first-order priority in Newark.

10 One suggestion is to abolish the city Police Department
11 in favor of a county-wide unit. Police administrators,
12 specialists, believe that municipal forces should be replaced
13 by metropolitan departments. This would make for more
14 efficient police service and perhaps make it more difficult
15 for local politicians to interfere in police matters and
16 lessen the political activities of the departmental
17 bureaucracy.

18 A second recommendation is for a full-scale inquiry
19 into the Newark Police Department by a competent outside
20 agency. This inquiry could deal with recruitment and
21 professional policies, police training, the effectiveness
22 of organization and administration, the maintenance of
23 discipline and police community relations.

4 A third recommendation would be to end the emphasis on
5 promotion from within. Promotion from within preserves the

1 traditions of a department. It guarantees that for the most
2 part the patterns of the past will be continued in the
3 future, and in Newark's case this is not desirable. There
4 is no panacea whether a civilian review board or a depart-
5 mental shake-up or an investigation is done. There is no
6 substitute for top quality police leadership whether home-
7 grown or imported fully supported by responsible political
8 officials and the community as a whole for the attainment of
9 efficient, impartial police service. Continuous public
10 pressure on and support for effective police command is an
11 index of such community support.

12 I particularly want to read this statement because I
13 think that most people, especially detractors, people in the
14 Civil Rights movement who are detractors have tried to give
15 the impression that we see police brutality as a result of
16 racism. I am not trying to deny there is racism, and I
17 think there is a great deal of racism on the Newark Police
18 Department, but I think that is a much broader problem than
19 just racism. I think it is very possible in fact for a
20 bigoted, a deeply prejudiced police officer to carry out his
21 job and his assignment in an effective way without abusing
22 the rights of any citizen. If he knows he is subject to
23 discipline if he does not behave in the proper way, his
24 bigotry and his prejudice would not be a part of his police
25 work.

1 I think that this is really the fundamental problem of
2 the City of Newark as I see it: that for too long police
3 officers have been allowed to disregard basic rights of
4 people. They have been supported in cases where they have
5 obviously abused the rights of people in the city. It is
6 not only a case primarily of physical brutality against
7 people and against citizens, but it is just a very persuasive
8 attitude of disrespect and rudeness that particularly the
9 minority community has to be frequently faced with in the
10 City of Newark.

11 Q Do you think that the minority community feels
12 this way toward the Police Department as you have described?

13 A That it is racist or a broad problem?

14 Q That it is not being dealt with fairly by the
15 Police Department?

16 A Oh, unquestionably so, unquestionably so. If
17 there were confidence that a police act of malfeasance or
18 a police act of brutality was going to be objectively dealt
19 with by the police administration, the police community
20 relations in Newark would be improved one hundred per cent.

21 MR. LEUCHTER: Mr. Curvin, we have had a
22 whole raft of analogies and metaphors and similes
23 in the last three months having to do with tinder
24 and fire and matches and the general concept being
25 that something was ready to blow up and almost

1 everything would have caused it to blow up. Is it
2 your feeling that a riot would have taken place
3 in Newark this summer had the Smith incident and/or
4 the one on the Saturday preceding it not taken
5 place? Would there have been a riot anyway, or do
6 you feel despite all the wretched conditions
7 possibly in housing and job opportunities, but
8 had the specific cases of police brutality not
9 taken place might not Newark have gotten through
10 the summer without violence?

11 THE WITNESS: My feeling is that if it had
12 not been John Smith, it might have been another
13 case of police brutality. I think maybe the
14 answer you are looking for is do I feel that the
15 tensions were unusually high in the City of Newark
16 this summer in relationship to previous years, and
17 I would say yes. I think obviously the Medical
18 School controversy, the Board of Education con-
19 troversy relative to the appointment of a sec-
20 retary to the Board of Education greatly con-
21 tributed to these tensions. *place Wednesday night.*

22 MR. LEUCHTER: Despite the tensions, without
23 brutality do you feel that you and Ollie and Tim
24 Still might have been successful in any group
25 action to calm people's emotions?

1 THE WITNESS: At the Board of Education, for
2 instance, we had more people than were present at
3 the precinct demonstrating and in a very tense
4 situation. The difference is in a situation like
5 that where you have controlled leadership and you
6 have a program of action, it's very easy to control
7 a situation like that. The people that are there
8 are really your constituency. They are interested
9 in the issue. They have discipline, organizational
10 discipline.

11 But my feeling is a riot in the City of Newark
12 would have had to occur in an uncontrolled
13 situation, and it did. To me it was inevitable
14 that it would have been a matter of the police.

15 MR. LEUCHTER: In your opinion is there
16 anything realistically that Mayor Addonizio or
17 Police Director Spina could have done on Thursday
18 morning that you could have made known to the
19 community which would have calmed the community
20 and averted the violence of Thursday night?

21 After everything had taken place Wednesday night,
22 what could they have done Thursday morning which
23 could have been effective?

24 THE WITNESS: To recognize the problem and
25 situation as it was. To say that it was an Thursday

1 isolated incident I think was the most tragic
2 mistake that was made following Wednesday night.
3 In fact, one of the reasons that I felt just so
4 terribly frustrated on Thursday afternoon when I
5 went to that meeting was to hear the Mayor speak
6 as though it was all over and that just by reading
7 the newspaper as to what has been since 1964 in
8 Harlem one knows there has not been violence in any
9 city that has not repeated itself on the second
10 night. It just hasn't happened that way. The
11 pattern is well known and well established
12 throughout the country.

13 It seems to me that there would have been an
14 effort of the Mayor and Spina to go out into that
15 community, to go to those homes and talk to people
16 there, to meet with them. It was known that the
17 kids were the ones that threw the bottles. Find
18 the kids, talk to them.

19 I don't have any canned answer as to what
20 can prevent a situation like this, but I do know
21 that much more can be done or much more could have
22 been done. I don't feel anything was done; that
23 there was just a turning of the head from the
24 reality that existed.

25 MR. LEUCHTER: Had Addonizio and Spina Thursday

1 afternoon been shaken by Wednesday night and viewed
2 it in a different situation than they did and had
3 said to you at this meeting on Thursday afternoon,
4 "Yes, we will suspend these two men and we will
5 come into the community and see what the grievances
6 are," would that have headed off anything on
7 Thursday night, or might it have happened
8 anyway?

9 THE WITNESS: Saying something like that would
10 have had no consequence in terms of my own
11 feeling. I probably again would have been very
12 skeptical as to whether or not they would do it
13 because I have heard Spina say things like that
14 very often. I think if they would have demon-
15 strated by actually doing something -- when you
16 met them, it was pretty nearly three o'clock.

17 MR. DRISCOLL: Three o'clock?

18 THE WITNESS: On Thursday afternoon. The
19 Mayor had not been out of his office all day. The
20 people that were really involved, the people
21 around the Hayes Project, they were really out of
22 it. There was no dialogue with them. In fact,
23 I understand from Mr. Black, and it was reported
24 in the newspapers, that Spina was present at the
25 precinct later that evening when people were being

1 dragged and beaten inside the precinct, when a
2 Negro police officer in civilian clothes was
3 assaulted by a white police officer in the
4 precinct. Spina was there at that time.

5 MR. LEUCHTER: We are examining the long-range
6 causes or root causes of violence and attitudes
7 and also the short-run handling of it. I am
8 almost inferring from what you say that in the
9 light of the long history of bad police community
10 relationships by Thursday afternoon it was too
11 late and nothing that Addonizio or Spina would
12 have done would have had much effect because
13 nobody would have believed them. Is that right?

14 THE WITNESS: I don't think you would have
15 had a completely peaceful situation. I think
16 something would have happened, but I don't think
17 that the kind of almost complete destruction of
18 the commercial areas of the city that took place
19 would have occurred.

20 I also don't believe that the response of the
21 community would have been as bitter and as violent
22 as it was if there was another reaction, had been
23 a different reaction from the city. Despite the
24 deep frustrations in the City of Newark, Newark
25 has been an unusually peaceful city. Even at

1 times when there was violence occurring in Paterson
2 and Elizabeth and in other places all over the
3 country and people were saying Newark is going to
4 blow up tomorrow, for many reasons which I think
5 are historical, too, Newark did not react that way.
6 But I think once it was set off -- what I am
7 trying to say is I think it could have been mini-
8 mized and it wasn't.

9 MR. GIBBONS: I think our reporter would like
10 a break.

11 (Whereupon, a short recess was taken.)

12 MR. GIBBONS: From your experience with the
13 Congress of Racial Equality you have had experience
14 in organizing demonstrations and in maintaining
15 the discipline of the people in those demon-
16 strations. Can you comment on the difference
17 between the crowd that you would have at a pre-
18 arranged, organized Civil Rights demonstration and
19 the kind of crowd that was outside the Fourth
20 Precinct on both the Wednesday and the Thursday
21 night?

22 THE WITNESS: First of all, as I indicated
23 before, if you are going to have a demonstration
24 and it is communicated to your organization, the
25 people that are going to be dominant in the

1 demonstration are your constituency, people that
2 know you, that are involved in the issue, and by
3 the nature of their connection to the organization
4 they are committed to the discipline and the
5 philosophy of the organization.

6 So if CORE has a demonstration, for instance,
7 we have no problems about whether or not it is
8 going to be a violent or non-violent demonstration.
9 We know it is going to be a non-violent demon-
10 stration because these are the kind of people that
11 we bring to it.

12 But in comparison to what occurred at the
13 precinct, this was not a demonstration, at least
14 on Wednesday night. Again on Thursday night, from
15 what I have been able to learn from what occurred,
16 the demonstrators might have in some way been
17 responsible for attracting other people who were
18 not committed to non-violent demonstrations or
19 peaceful demonstrations, but they themselves were
20 in no way the ones who threw the rocks and the
21 bottles. The ones who were carrying the placard
22 signs were not the ones who were the rioters on
23 Thursday night.

24 So you have a distinction between people who
25 are demonstrating and people who are rioting, and

1 it is not the same thing.

2 MR. GIBBONS: Doesn't this point perhaps to
3 some lessons for the police with respect to crowd
4 control where you have an organized, disciplined
5 demonstration put on by some responsible organi-
6 zation and you treat it one way, but where you have
7 a large crowd of undisciplined people you go back
8 to the conventional crowd control method of breaking
9 them up and dispersing them?

10 THE WITNESS: I would say certainly so, but I
11 would also add that the record of the Newark Police
12 Department even in dealing with peaceful demon-
13 strations is not a very admirable one. In fact,
14 on April 1st I was arrested merely walking on a
15 picket line. Nineteen people were arrested in
16 front of a supermarket on Clinton Avenue for just
17 demonstrating.

18 I would also point out that on several
19 occasions the police have resorted to name calling
20 at demonstrations and have in fact provoked demon-
21 strators who are demonstrating peacefully to
22 engage in verbal encounters with them. In fact, I
23 was on a demonstration once where a policeman
24 actually positioned himself right in front of the
25 line and made the line walk around him just in my

1 mind as a pure effort to aggravate and antagonize
2 the people that were peacefully demonstrating.

3 I say this because again this is all part of
4 the terrible relations that exist between the
5 police and the community, which I think has been
6 significant in creating the situation that we are
7 in now.

8 MR. GIBBONS: Going back to Wednesday night
9 again, might it not have been a mistake in judgment
10 on Inspector Melchior's part to encourage or even
11 to permit the three of you to speak to the crowd
12 and retain them in the area instead of following
13 the conventional and handbook doctrine of dispersing?

14 THE WITNESS: I think only hindsight could
15 make that judgment. At that point after the first
16 Molotov cocktails were thrown when we spoke to the
17 crowd the first time it didn't appear to me that
18 they would have been very successful in dispersing
19 them. I think the mood of the crowd was challenging
20 them to the police, was more unified in their
21 hostility and more ready to engage in violence
22 against them.

23 1963 MR. GIBBONS: Once the mob psychology gets to
24 that point and it ceases to be discipline at all,
25 is there anything else for the police to do except

1 disperse them? Shouldn't they have followed con-
2 ventional police tactics earlier?

3 THE WITNESS: Very early in the evening I
4 think it possibly could have prevented the whole
5 thing, very early in the evening.

6 MR. GIBBONS: This has nothing to do with the
7 police community relations or anything else, just
8 how to do with this kind of contagion.

9 THE WITNESS: Right.

10 MR. LEUCHTER: Mr. Curvin, what is your
11 assessment of the role of the Negro on the Newark
12 Police Department?

13 THE WITNESS: The role of the Negro?

14 MR. LEUCHTER: The part he plays, good or
15 bad, attitudes toward him.

16 THE WITNESS: Let me take it in parts. First
17 of all, the Negro is nowhere near adequately
18 represented in the Police Department.

19 MR. LEUCHTER: There were how many?

20 THE WITNESS: Somewhere in the neighborhood
21 of two hundred Negro policemen on the force. I
22 have a complete breakdown of the employment from
23 1963, and it hasn't changed that much. There is
24 only one Negro police captain on the entire force.
25 At the present time I think there are two

1 lieutenants on the force. In a city that has a
2 majority of non-white population that alone is a
3 significant issue.

4 MR. GIBBONS: Isn't that in part a reflection
5 of the seniority and tenure system that the Civil
6 Service laws impose?

7 THE WITNESS: In part it might be, but in
8 part it is also a reflection of discrimination
9 and the denial of opportunity to Negro police
10 officers in the department.

11 MR. GIBBONS: Does CORE have any figures on
12 the age breakdown?

13 THE WITNESS: No.

14 MR. GIBBONS: For instance, if it turns out
15 that there is a vast majority of White police
16 officers over the age of fifty, I wouldn't be a
17 bit surprised. But I would be quite shocked if it
18 turned out that there was a vast majority of White
19 men under the age of thirty-five.

20 THE WITNESS: I know what your argument is,
21 and it is the same argument I often hear from
22 employers.

23 MR. MEYNER: Was it an argument or was it an
24 objective dissertation?

25 THE WITNESS: I would call it a subjective

1 dissertation.

2 MR. GIBBONS: Really it is because the people
3 here realize that generally I agree with your
4 point of view. But how do you cope with this
5 problem of the Civil Service system?

6 THE WITNESS: I think of a lot of things that
7 have been accepted as just being traditional and
8 right are going to have to be changed if you are
9 going to deal with the problem.

10 MR. LEUCHTER: That is a different story.

11 THE WITNESS: But I don't think you should
12 hang your hat on that particular point because
13 that is not the major reason why Negroes are not
14 represented in superior officers of the Police
15 Department.

16 MR. GIBBONS: I don't doubt that for a
17 minute because I have a pretty good idea how they
18 are selected.

19 MR. LEUCHTER: Can we get back to these other
20 points? Are they on the take, or are they just
21 as bad as the Whites?

22 THE WITNESS: It has been my experience that
23 the Negro police officers are not as apt to view
24 citizens as white police officers do. There are
25 several Negro police officers who have reputations

1 in fact of being more brutal in some cases than
2 white police officers, but by general observations
3 that they are not generally as brutal. They cer-
4 tainly don't resort to the name-calling, which is
5 frequent on the part of the white police officers
6 in the police department. I think their status
7 within the department is also very significant.
8 There ought to be some consideration of the roles
9 that the various organizations play within the
10 police department in the City of Newark. Naturally
11 the PBA is the most powerful, has the largest mem-
12 bership. Some Negroes do belong to the PBA, but
13 there is a Negro police organization within the
14 Police department. It is called the Bronze Shields.

15 Just to give you an indication of the relative
16 difference in status of these organizations, the
17 Bronze Shields voted in 1965 at a meeting to pub-
18 licly endorse the idea of having a police review
19 board in the City of Newark. Before it was announced
20 the word got back to the Director, and he report-
21 edly called in the president of the organization
22 and ordered that he had better not make such a
23 decision public on the part of that organization
24 and in very direct and strong language was told
25 that he had better not ever come back for a favor

1 from him, from the Director. It was never announced
2 that the Bronze Shields had voted to support the
3 idea of a police review board.

4 Right now the PBA is very actively involved
5 in the K-9 Corps issue and Connolly has spoken at
6 council meetings and has voiced very strong support
7 for the K-9 Corps. In talking to several Negro
8 police officers last week, they are extremely
9 irritated that the organization has not even dis-
10 cussed the K-9 Corps issue and the sentiments which
11 are contrary to a K-9 Corps on the part of Negro
12 policemen have not even been considered.

13 It is also very significant, too, that last
14 year when the auto squad members were indicted for
15 their involvement in the auto theft ring, the only
16 member of the auto squad who was not indicted was
17 a Negro. He didn't know about it. He was not in-
18 volved. WITNESS: I don't know. I guess the

19 MR. GIBBONS: He wasn't cut in you mean.

20 THE WITNESS: That's right.

21 MR. DRISCOLL: Does that outrage you, that he
22 wasn't cut in? industry?

23 THE WITNESS: It doesn't. I don't think graft
24 and corruption has any racial inclinations. It has
25 inclinations toward power, but that is the

1 significance. It has inclinations toward power.

2 MR. GIBBONS: We have other witnesses waiting.

3 MR. MEYNER: I have a couple of quickies.

4 How much of the riot do you think might have been
5 caused by the presence of the radio and TV people
6 on scene promptly? What effect do you think they
7 had?

8 THE WITNESS: I think it has a real effect in
9 every situation. This is something that is being
10 very much debated now among responsible people in
11 the press. They certainly ~~do~~ make it look a hell
12 of a lot worse than it is, too, in the media.

13 I think it has a definite impact and a rather
14 deleterious impact.

15 MR. MEYNER: Do you have any suggestions as to
16 how you could curb it or keep it down other than
17 general ones that we all probably have?

18 THE WITNESS: I don't know. I guess the
19 industry, like the tobacco industry, has to come
20 to grips with these problems.

21 MR. MEYNER: You don't want to mention the
22 pharmaceutical industry?

23 THE WITNESS: I will get to that later.

24 MR. MEYNER: We hear a lot about the necessity
25 for respect for law and order. Do you believe that

1 this respect for law and order is hampered by the
2 gambling activities that are permitted throughout
3 the city in whatever area it happens to be?

4 THE WITNESS: Definitely so. There is no
5 question about it. Respect for the police can in
6 my mind only be achieved when there is respect for
7 their integrity and their work and citizens have
8 confidence in them that they are primarily inter-
9 ested in doing police work and doing a job.

10 The obvious and blatant conduct of illegal
11 activity in the city in my mind makes that kind of
12 respect that is necessary almost impossible.

13 MR. MEYNER: Would you say there is any dif-
14 ficulty at all in playing numbers or placing a
15 horse bet?

16 THE WITNESS: I will put one on for you right
17 now.

18 MR. LEUCHTER: In this building?

19 THE WITNESS: Well, I don't know this building,
20 but I know several governmental buildings where
21 there is certainly no problem in placing a bet.

22 MR. MEYNER: I would assume it is natural for
23 poorer youngsters to see how people do well in this
24 kind of enterprise, and this encourages disrespect.
25 Is this the kind of thinking you have?

1 THE WITNESS: Right.

2 MR. MEYNER: And it can only exist with police
3 connivance perhaps?

4 THE WITNESS: That's right.

5 MR. DRISCOLL: You made a statement that we
6 couldn't always follow the doctrine of the status
7 quo. Do you advocate the abolition or the modi-
8 fication of Civil Service to help increase the
9 numbers of black policemen?

10 THE WITNESS: That would certainly be one
11 thing -- I don't say Civil Service should be
12 abolished. I think there are some real problems
13 with Civil Service in terms of it being equal in
14 terms of Negroes. It is not only the fact that the
15 Civil Service System exists; it exists in an unequal
16 fashion, too, in many respects. But I do think
17 that one of the things that definitely ought to
18 be considered is the possibility of bringing
19 officers into a police force from without. The
20 Army, for instance, could never rely on the devel-
21 opment of a strong officer corps by just promoting
22 people through the ranks. The very special and
23 long-term training that is necessary, in fact the
24 most used, the most available means for becoming
25 an officer in the Army should be the same kind of

1 experience that should be available for becoming
2 a police officer.

3 A police officer should have the intelligence,
4 the training, the discipline and the growth of
5 urbanization means that he has to be even more
6 skillful in areas of human relations and all kind
7 of technology. I would certainly advocate at
8 least changing that as a first step.

9 MR. LEUCHTER: Does this include possibly in
10 your mind an OCS equivalent in a state?

11 THE WITNESS: Sure, certainly.

12 MR. DRISCOLL: Do you think you would have any
13 particular problem in getting an adequate number
14 of trained Negroes for various positions in the
15 police force and in the officer level?

16 THE WITNESS: I think that with some very con-
17 centrated efforts that many Negro policemen can be
18 brought into the department. Even Civil Service
19 regulations would not be prohibitive to this. In
20 fact, everybody knows that there are exceptions
21 made to Civil Service even right on the Newark
22 police force. Ask someone how the Mayor's
23 chauffeur finally got on the Police Department, and
24 they will tell you an exception was made for him.

25 It has often been the case that Negroes have

1 had minor or juvenile arrests held against them
2 when they applied for police work; whereas, in the
3 case of Whites they have been allowed to become
4 members of the Police Department with similar kinds
5 of records.

6 Also there has to be some recognition of some
7 of the difficulties and the probabilities of
8 juveniles encountering trouble in the ghettos that
9 are now being used to keep Negroes from getting
10 on the force. There was a Negro man who wanted to
11 be a policeman very much, and many people thought
12 he would be an excellent policeman but he was the
13 father of a child out of wedlock. He was refused
14 membership on the Police Department because of this.

15 I frankly believe that is no indication that a
16 man cannot do police work. These are the kinds of
17 things, and with some consideration many more things
18 could be done to bring more Negro policemen on the
19 force.

20 MR. DRISCOLL: Do you regard the Hayes Housing
21 complex as adequate housing for the people who are
22 housed within the complex?

23 THE WITNESS: I don't think the type of housing
24 projects that we have built is really adequate.
25 They are not adequate for many reasons. They don't

1 necessarily change the problems that the people had
2 prior to their moving in. There are many defi-
3 ciencies in the structures. There are no toilets
4 on the ground floor and kids that play out in the
5 street urinate on the elevator. People wonder why
6 they urinate. They say they are dirty. Did you
7 ever try to get a four-year old kid to go to the
8 bathroom as soon as he needs to go? He doesn't.
9 He waits until the last minute, and he runs on the
10 elevator and he doesn't make it, and he urinates on
11 the elevator.

12 A simple thing like that is not a matter of
13 being a genius; that there ought to be bathrooms
14 on the ground floor or in the yards at least.

15 As far as a police problem with this kind of
16 housing, they might be almost impossible to really
17 police in terms that we see police work, patrol,
18 supervision and so on. How do you patrol people
19 that are living -- not patrol the people, but
20 patrol their community when the community is ten
21 stories up in the air? It really has to be seen
22 as a community that is a vertical community. I
23 think a lot of new thinking has to go into what
24 we have done.

25 and Another very important issue about the Hayes

1 Project is that it is right within perhaps a one-
2 mile or one and a half-mile radius of not only the
3 Stella Wright Project, which has another five
4 thousand or so people in it, but also the Scudder
5 Homes, which has over six thousand people in it;
6 then the Felix Fuld Apartments, which have more
7 people. The congestion of that area I would match
8 with the congestion of any area of the country. It
9 is absolutely a pathologically congested area in
10 my mind.

11 That many people, especially that many poor
12 people needing the kind of services they need,
13 having the kind of problems they have, should in no
14 way ever be congested in an area like that.

15 MR. DRISCOLL: That's very helpful.

16 THE WITNESS: Just in the projects I computed
17 the figure last night. There are over 18,000 people
18 in that one and a half-mile radius, mostly children,
19 something like fifty-five per cent of them children.

20 MR. DRISCOLL: And most of the adults having
21 the same problems and the same fears and aspirations?

22 THE WITNESS: Right.

23 MR. DRISCOLL: Does this concentration in your
24 opinion lend itself to a quick gathering of crowds
25 and the possibility of what took place on the night

1 that Mr. Smith was arrested?

2 THE WITNESS: Definitely. You can get a crowd
3 in an area -- even I have been in that area several
4 times when there have been automobile accidents,
5 and I have seen a crowd develop just like that
6 in the course of a few minutes because there are so
7 many people there. It doesn't seem to me difficult
8 to understand that people were able to congregate
9 that fast. They are there in that area. I am
10 talking about 18,000 people, not even considering
11 the people that live in the wood frame dwellings in
12 that area and the tenement houses.

13 MR. DRISCOLL: Apart from the poverty aspects
14 of the young boy and the young girl whom you des-
15 cribed as dragging a mattress out of a store, it
16 was still a crime, wasn't it?

17 THE WITNESS: To me?

18 MR. DRISCOLL: Yes.

19 THE WITNESS: No. In fact, I would not even
20 care to define that kind of behavior in the context
21 of law because if you ask me to define it in the
22 context of law, I would have to take a completely
23 different analysis of what happened in the city.

24 We have seen at work a social phenomenon that
25 is a repeat of the same kind of phenomena that

1 occurred in other periods of our history. There
2 have been riots by many other ethnic groups in
3 this country.

4 MR. DRISCOLL: I am not trying to pin it down
5 to any ethnic group.

6 THE WITNESS: I know that, and I don't con-
7 sider that behavior to be criminal, quite frankly.
8 I think people who are deprived and desperate will
9 seek ways of getting what they need and what they
10 want. In the context of law it might be a crime,
11 but I frankly believe that in a situation like that
12 where a community is in the kind of disarray and
13 chaos that it was that I could in no way consider
14 those young people to be criminals.

15 MR. DRISCOLL: Are you familiar with a Ford
16 Foundation grant of \$1,000,000 to Rutgers which was
17 used in part by the UCC?

8 THE WITNESS: Used in part by the UCC?

9 MR. DRISCOLL: United Community Corporation.

0 THE WITNESS: I am not familiar with it, and
1 I don't believe that such a grant was made.

2 MR. DRISCOLL: Mr. Still testified.

3 THE WITNESS: Maybe he talked about their
4 efforts to get a grant from Ford.

5 MR. DRISCOLL: I thought he testified they

1 received one.

2 With respect to the Smith incident, did you
3 personally witness any violence, other than the
4 stones that almost hit you and the Molotov cocktails?
5 You didn't see Mr. Smith beat up or anything like
6 that?

7 THE WITNESS: No. In fact, that was the first
8 time I had ever seen him. Last Saturday night I
9 saw Mr. Smith for the first time since that night.
10 He didn't even remember what I looked like. He
11 remembered talking to me, but I never knew him until
12 Saturday night.

13 MR. DRISCOLL: In your testimony as I remember
14 it you referred to a pattern of violence. Would
15 you like to amplify on this pattern of violence?

16 THE WITNESS: That I talked about across the
17 country?

18 MR. DRISCOLL: I thought you were referring to
19 Newark with a long pattern of violence.

20 THE WITNESS: If I am talking about a pattern,
21 I am talking about a pattern of violence against the
22 community by police. I think I said at one point
23 that Newark has been an unusually peaceful city and
24 its pattern of response to many problems has in my
25 mind been a very conservative and moderate response

1 their story to problems, and that police mistreatment throughout
2 or four parts of the City of Newark has been established in my mind
3 the kind of as a pattern. Perhaps that is what you are speaking
4 in fact, of.

5 about my role. MR. DRISCOLL: In other words, if there is a
6 the influence pattern of violence on the part of the police force,
7 not, this is one of the root causes in your opinion of
8 If that the unrest, and this is a pattern that we must
9 was to create strive to change?

10 the Medical? THE WITNESS: Right.

11 direct influence. MR. DRISCOLL: I don't think I will ask any
12 in the case more questions.

13 Q By Mr. Jaffe: the striping was organized to any

14 Q I wonder if I might get one question on the record.
15 I wonder if you would care to comment on the role of the
16 black revolutionary movement in the riots, whether or not it
17 had any effect upon it, whether they were in a sense feeding
18 it, or what.

19 A From my observations, they had no role at all on
20 Wednesday evening, and if they had a role at a later point,
21 I am completely ignorant.

22 As far as the Black Liberation Army is concerned, I don't
23 think their people in any way, in any significant way were
24 responsible for what happened in Newark. I think it is again
25 one of the things that has been terribly distorted and inflated.

1 Their strength -- I don't think they ever had more than three
2 or four people. Their relationships to other groups were not
3 the kind of relationships that people have alleged there were.
4 In fact, to me a number of federal investigators asked me
5 about my relationships with Col. Hassan and whether or not
6 he influenced our organization and so on. He certainly did
7 not.

8 If their presence had any real bearing on the city, it
9 was to create a great deal more attention and unification on
10 the Medical School issue, but beyond that they had no
11 direct influence on the behavior of organizations or people
12 in the community.

13 Q Do you think the sniping was organized to any
14 extent?

15 A I have very strong beliefs that it wasn't.

16 MR. MEYNER: A person who some people might
17 describe as a responsible Negro leader the other
18 day said to me a group in Newark to his belief were
19 well organized and had a cache of arms and that the
20 whole thing could erupt again. Do you place any
21 credence in such a statement?

2 THE WITNESS: I think there is a lot of arming
3 going on in the community right now. In fact, I am
4 very much aware that it is going on from just
5 talking to people. I think we are in a very

1 dangerous and critical period and that tensions are
2 extremely high.

3 I also know from talking to other people that
4 there is a great deal of arming going on in the
5 white community and that there are caches of arms
6 being stored in the white community. I think that
7 there is certainly a possibility that there will be
8 a violent confrontation between the two groups.

9 There was a fight in the streets after the
10 last council meeting. The behavior of the pro-
11 ponents of the K-9 Corps in the city in my mind,
12 and very much supported by several policemen there
13 in civilian clothes, was absolutely horrendous.
14 The militants by the way were not at that meeting
15 at the council. If the militants had been at that
16 council, and I am talking about the people who
17 everybody seems to be concerned about, it is very
18 likely we could have had a battle right there.

19 MR. MEYNER: But we didn't go to the dogs?

20 THE WITNESS: No, but unfortunately two
21 councilmen who chose to exploit these tensions are
22 threatening to raise the issue time and time again.
23 This is merely to bring out their constituency to
24 these meetings.

25 MR. GIBBONS: Gentlemen, I think in consideration

1 A for the other witnesses we ought to thank this
2 witness for appearing.

3 Q MR. DRISCOLL: I think you have been a very
4 helpful witness. Thank you very much.

5 (Witness excused.)

6
7 Whereupon,

8 MARION KIDD

9 called as a witness, sworn, testified as follows:

10 EXAMINATION

11 Q By Mr. Fortunato:

12 Q Your address?

13 A 258 Fairmont Avenue, Newark.

14 Q How long have you been a resident of Newark?

15 A All my life. This is my home.

16 Q How old are you?

17 A Thirty-nine.

18 Q Your occupation?

19 A I am a housewife.

20 Q Are you affiliated with any formal groups?

21 A Yes. I am with the Welfare Committee and -- well,
2 I am on many different programs in Newark. I am on the
3 Tri-Party Board. I am one of the executives on the Tri-Party
4 Board.

5 Q What is the Tri-Party Board?