

1 CHAIRMAN LILLEY: For the record, General,  
2 I would like to express our appreciation for your  
3 coming here and helping us with this undertaking  
4 that we have.

5 I would like to ask you to be sworn. We  
6 swear witnesses and I am sure that's all right  
7 with you.

8 THE WITNESS: Yes, it is.

9  
10 MAJOR GENERAL JAMES F. CANTWELL,  
11 Sworn.

12 EXAMINATION

13 BY MR. JAFFE:

14 Q General, could you please state for the record  
15 your full name and present position and just give us a brief  
16 sketch of your background, sir?

17 A All right. I am Major General James F. Cantwell.  
18 I am the Chief of Staff, Department of Defense of New Jersey.  
19 I have been the Chief of Staff of New Jersey since 1954. Part  
20 of my responsibilities, of course, is the command of the Army  
21 and Air National Guard.

22 How deep do you want me to go into it?

23 Q Just very briefly sketch your affiliation with  
24 the National Guard.

25 A I am an architect and engineer by profession. I

1 went on duty with the State of New Jersey following World  
2 War 2 in 1964, at which time I subsequently grew with the  
3 Department as it became the Department of Defense.

4 I was the original logistical director in the Department.  
5 I organized and commanded the artillery of the 50th Armored  
6 Division, progressed to a rank of brigadier general at the  
7 time that I was appointed the Chief of Staff.

8 Q General, I wonder if you could just briefly sketch  
9 for us the makeup of the New Jersey Department of Defense,  
10 its structure and relationship of the National Guard to the  
11 Army and the relationship within the Department of Defense.

12 A The Department of Defense is one of the new 15  
13 principal departments in the State Government. Our law says that  
14 there will be a chief of staff and he will head the Department  
15 of Defense. That is based on the principle that the Governor  
16 himself is the Commander-In-Chief.

17 I have within the Defense Department other than normal  
18 departmental activities the Army and Air National Guard, the  
19 Naval Militia, Civil Defense, Selective Service, military war  
20 records and the normal departmental activities.

21 I suppose the confusing thing possibly is the relation-  
22 ship of an Army and Air National Guard to the federal establish-  
23 ment. Very simply, in both cases they are the first line of  
24 support for the active service, either Army or Air Force. The  
25 structure, the training, manning and so forth of both the Army



1 and Air National Guard are governed almost exclusively by  
2 regulations and requirements of the services.

3 Financially I would assume as sort of an estimate that  
4 probably 90 percent of the financial support of both are  
5 federal. Their primary mission, of course, is the federal  
6 mission of subject to being called by the President or the  
7 Congress. They have a second mission which is that of  
8 state, acting as state forces upon the call of the Governor.

9 I think that's probably the crux of the purpose for  
10 which I am here this morning, the implementation of that second  
11 mission.

12 Now this is applicable both in natural disasters as well  
13 as situations such as we have seen in the last summer. We  
14 have frequently seen or I have frequently committed elements  
15 of the National Guard in natural disasters. At no time has it  
16 been necessary to call them to state duty to accomplish this  
17 purpose.

18 I have been able to do it with full-time people and  
19 volunteers because so often the use of equipment was really  
20 more necessary than sizable bodies of people. This is the  
21 first time in a great many years that the National Guard has  
22 been actually subject to a call to state duty by the Governor.

23 The last time this was done was before my time as the  
24 Chief of Staff and it was back at the time of the bad train  
25 wreck at Woodbridge for which the local unit was called out

1 only overnight in a support mission, a mercy mission, really,  
2 in connection with the train wreck.

3 Other than that there has been no call to state duty.

4 Q You have answered the question.

5 I was wondering whether you know, not during your  
6 administration but during the prior history of the National  
7 Guard in New Jersey, if it had ever been called to aid in  
8 containing a civil disturbance or a riot.

9 A It has not been, in direct answer to your  
10 question. The last time was the Woodbridge train wreck, as  
11 I say. I am not sure of the date of that but this was some  
12 time in the late 40's. I was the artillery commander at the  
13 time. No one was called in except the local unit right there.  
14 It was really a mercy mission.

15 The only other time that I am aware of preceding that  
16 was again at the explosion at Perth Amboy. Again this was,  
17 to some degree, a mercy mission and other than that it was  
18 sort of a guarding, support type mission. This was the  
19 first time that troops have been employed in the light of  
20 a civil disorder.

21 I am speaking now of New Jersey, of course.

22 Q Yes, I realize that.

23 General, do you have the authority to act in containing  
24 a civil disorder if a request does not come from the Governor,  
25 for example, if a mayor of a city would want you?

1 A I do not. I act always in the name of the Governor.

2 Q The Governor would have to direct the Guard to  
3 take part in the containing of a civil disorder?

4 A That is correct. The Governor would direct me  
5 to take whatever action was deemed necessary.

6 Q Could you tell us approximately how many men you  
7 have under your command in the New Jersey National Guard and  
8 also what the structure is in terms of divisions, how many  
9 and what they are?

10 A My authorized National Guard strength is 14,700--  
11 plus. I think it is 64 but it is approximately 14,700 and 60  
12 or 70. My Air National Guard is 2,500. That is my author-  
13 ized strength. I cannot exceed that. The constitution of  
14 the Army National Guard, the primary unit is the 50th Armored  
15 Division, which is an 80 percent authorized division.

16 I have an Armored Cavalry Regiment, which is a 52 per-  
17 cent unit. I have an artillery group that again is a 52 per-  
18 cent strength in its headquarters but does have an 80 percent  
19 battalion as part of its structure.

20 Then I have several other lesser units, ordnance  
21 battalion, a quartermaster group. They are in the 80 percent  
22 category. The biggest element is the Armored Division. On  
23 the Air side, I have a fighter wing and in that are two  
24 fighter groups, one F-105's based at McGuire Air Force Base  
25 as is the wing headquarters and an F-105 group which is based

1 at the MAPAC Air Station at Pomona. I have a transport unit  
2 based at McGuire that flies C-121 Constellations.

3 Q Could you tell us, General, generally the type of  
4 riot training your troops have had prior to the riot in Newark  
5 this summer?

6 A Yes. We have had placed upon us by COMARC, the  
7 Continental Army Command, in our training schedules, which  
8 are laid down by the federal government, as I explained  
9 earlier, almost without exception all training requirements  
10 and so on are placed upon us by the federal government. These  
11 have included a minimum of 8 hours of riot training per year.  
12 That was the minimum.

13 So units have varied somewhat in what degree beyond that  
14 8 hours they have had. There are training schedules that  
15 spell out the type of riot training that will be done. In the  
16 past this has normally been the routine type of police type  
17 riot training that we are aware of, the formation, the various  
18 type formations for moving masses of people, clearing streets,  
19 breaking them up into small groups and the use of smoke grenades,  
20 tear gas, those chemical agents.

21 Maybe I had better stop there. Your next question might  
22 bring out what I want to bring out. The important thing that  
23 I would like to probably make a statement on is that, in my  
24 opinion, there is a great misunderstanding about riot training.  
25 Lack of communication, I guess probably is the best way to



1 express it. This is something new. There has been  
2 by all. There appears to have been, as a result of the summer  
3 activities, a criticism of lack of riot training. I don't  
4 think this is what people meant when they were talking.  
5 That's what I mean by the lack of communication.

6 This summer's disturbances throughout the country  
7 brought into being a new type of operation, a new bellgame,  
8 as we can understand, and that is this sniper fire, guerilla  
9 type activities within the cities and on the city streets  
10 and mixed into the civilian population most of which are  
11 innocent bystanders.

12 We did not have to face the mobs of people and have to  
13 clear streets. All the training generally had been pointed  
14 toward that and of which we were seeing some in the last few  
15 days in these sit-ins and this sort of thing. We didn't face  
16 this. We faced this new guerilla type activity and it threw  
17 everybody sort of off stride.

18 So I think what most people were saying, including  
19 myself, who put this in a letter to the Secretary of the  
20 Army very promptly, was that we had run into a new bellgame,  
21 that we ought to take a new look at the type riot training we  
22 were doing and change the approach.

23 I think that's what most people were saying. Unfor-  
24 tunately, from my viewpoint I think most of this begins to  
25 point to the National Guard. Actually what they were really



1 saying was this is something new, this has to be confronted  
2 by all the police agencies, the Guard, if it is committed, and  
3 the active establishment.

4 So I don't think it was a lack of riot training that  
5 was the problem to anyone. I think it was new techniques  
6 that we had to develop to offset the new type of disturbance  
7 that was being encountered.

8 BISHOP DOUGHERTY: May I ask a question?

9 MR. JAFFE: Yes.

10 BISHOP DOUGHERTY: General, do you think  
11 it could have been in any way anticipated, this  
12 new technique by, say, intelligence? Were we  
13 taken by surprise by it, do you feel?

14 THE WITNESS: Well, I think we were taken by  
15 surprise, Number 1, Bishop.

16 Number 2, yes, you could anticipate such a  
17 thing. But I think time is like money. When you  
18 only have a limited period of time you do the  
19 things you can do within these limited periods of  
20 time.

21 Here is your routine type of training against  
22 mobs and this is really what your riot training led  
23 to. How are you going to break up these screaming  
24 mobs of people, break them up into smaller groups,  
25 spread them around, uncover leaders, if you can

1 uncover them, pick them up, deny them to the mob  
2 as leadership? This is the type of thing that  
3 we trained in. This other new ballgame that I  
4 am talking about, the sniper fire, whether it was  
5 intended to be destructive or whether it was  
6 intended to be harassing, is a little hard to  
7 determine.

8 Many of us have opinions on Monday morning  
9 about what should have happened Saturday afternoon.

10 This did lead, in my opinion -- and I have said  
11 this before -- in some cases to too much return  
12 fire. I think this was the cause of it.

13 Now if you want to pursue this on to what  
14 are we doing about it, I will.

15 Q Yes. One of the things before we even got to  
16 that, I wanted your opinion as to whether effective techniques  
17 could be devised to meet this type of rioting, new type of  
18 rioting.

19 Secondly, are we implementing them and can they be  
20 implemented?

21 A Yes, they can, they are and we have already done  
22 it.

23 Q Would you describe for us what can be done or has  
24 been done?

25 A Immediately following the disturbances that

1 occurred in numbers of places, and I would say I wrote a  
2 rather detailed letter to the Secretary of the Army expres-  
3 sing my opinion of the necessity to look at new techniques in  
4 this sort of thing, and that and the same thing that was  
5 occurring, the reaction that was occurring elsewhere as well.  
6 Very quickly, a program was developed on a crash basis and  
7 placed upon or a requirement placed upon all of us to imple-  
8 ment without delay this crash program.

9 Now I use it as a crash program because it is. However,  
10 I think it is excellent. It is a 32-hour program basically  
11 and it was to be completed by October.

12 In New Jersey it has been completed. I would say basi-  
13 cally it is a 32-hour program. Now this spreads out further.  
14 There was an additional 16 hours of staff training and so on  
15 that was required and then some additional training for high  
16 level staff operations beyond that. The basic program was 32  
17 hours.

18 I think the real fine part of this program is the  
19 development of the psychological approach to what you face  
20 because all of us who had to place people on the street--and  
21 I am sure you can realize what happens as they face these mad,  
22 militant types who are, if nothing else, certainly aroused  
23 very much, where they get spitting in the face and called  
24 lots of foul names and things thrown at them and things of  
25 that sort. It is pretty hard for people to control tempers at

1 times like that.

2 I think a very fine part of this and one that I have  
3 emphasized a great deal in New Jersey is the psychological  
4 indoctrination of our young men as to what they face and how  
5 to react to it.

6 The other one, of course, is a great emphasis on the  
7 control of the use of force, rather detailed explanations  
8 of the degree of application of force and escalating from  
9 the bottom up to the greater force if and when it is necessary  
10 with the assumption always that the least amount of force  
11 necessary to apply is that which is your objective.

12 Q Could you describe to us, for example, the kinds  
13 of tactics that you think should be employed in meeting sniper  
14 fire?

15 For example, the typical type of sniper fire, as I  
16 understand it, existed in Newark where you see a flash of gun-  
17 fire from a roof or from a building, a window in a building  
18 in the Hayes Home Project, against a group of troopers down  
19 on the street.

20 Q Could you discuss that for us?

21 A Well, a lot of the sniper fire that happened in  
22 Newark came out of the high rise apartments. This is a very  
23 difficult thing to encounter, as you know, and it led to  
24 return fire. This sniper fire coming out of high rise apart-  
25 ments led to return fire. By whom and in what quantities is



1 always rather questionable, of course, who did what.

2       The important thing I think that we have to instruct  
3 people in and have been instructing people in is that you  
4 don't return fire against such an operation as that. I am  
5 not too sure you can ever go in and search a 15 or 20-story  
6 high rise apartment with four or five hundred apartments and  
7 have any hope of uncovering anybody out of these things.  
8 I don't think you can.

9       Q       When you say you wouldn't return fire, do you  
10 mean you would not have six troops on the ground just firing  
11 back up at the building?

12       A       That's correct. You would not. This is the last  
13 thing you would do, any more than if you went deer hunting  
14 let everybody shoot because somebody hears a rustle in the  
15 bushes.

16       Nobody shoots unless they see the target they are  
17 shooting at and identifies the target and knows who they are  
18 firing upon if they fire.

19       The indoctrination that we have been using consistently  
20 is you don't shoot and if there is any question you never shoot  
21 and you are better off to lose the sniper. You will get him  
22 somewhere else probably anyway. You just don't risk shooting  
23 at targets that you don't see and you don't shoot at flashes,  
24 you don't shoot at sounds and you don't shoot at rumors  
25 because one thing that we learned very quickly is about 90



1 percent of every rumor you get is either false or greatly  
2 exaggerated.

3 It took a little time to settle down that nobody moved in  
4 on these rumors until you sent a patrol car in, usually of  
5 the State Police, to find out whether there is any cause to  
6 go in.

7 Now these are the things that were learned reasonably  
8 fast. I think the thing that you have to do and which was  
9 done in Newark, as a matter of fact, and I don't know whether  
10 you gentlemen have a copy of our After Action Report.

11 Do you?

12 Q No, we do not.

13 A I would like to leave a copy of this with you.

14 This is our After Action Report.

15 Q General, could you give it to the reporter? We  
16 will mark it in as evidence if that will be acceptable to you.

17 A Fine.

18 MR. JAFFE: I would like to have it marked

19 in as a Commission exhibit.

20 (Document marked Exhibit C-20 in evidence.)

21 A This takes it up from the alert until the  
22 completion, including lessons learned and things of that  
23 sort. Many of the questions that I am sure you are asking are  
24 spelled out in our After Action Report.

25 Let me read something on guerilla warfare here. "Use of

1 guerilla sniper tactics in widespread civil disturbances  
2 requires the development of new techniques for employment  
3 against these agencies in our cities."

4 That says it very much better than what I said and in  
5 greater depth.

6 "The sniper tactics employ a significant number of  
7 persons to harass and jeopardize the welfare and physical  
8 personal security and a preponderance of the local law-abiding  
9 citizenry. The operation reported here differed from any  
10 covered by existing publications in that there were no large  
11 crowds to be dealt with, no discernible leadership to be  
12 apprehended and denied the mob.

13 "Acts of lawlessness and disorder were committed over  
14 wide areas by relatively small groups. The lawless pick their  
15 time and place and the sniper does his damage. He then slips  
16 away in the dark or loses himself in the populace", which  
17 we found without question is what happened.

18 "This requires coverage of large general areas and  
19 extra security for known selected targets. It also results  
20 in an apparent over-committing of forces in combatting him  
21 or denying to him his objective of disrupting public safety  
22 and public service agencies.

23 "The presence of mass military and police power apparent  
24 deterred resumption of mass crowd actions."

25 Now what we did in Newark, after the first night, the

1 following night we moved in and occupied all of these areas.  
2 We put sniper teams on top of the rooves of a high rise  
3 apartment. We didn't expect the fire from them. We didn't.  
4 But we denied the snipers these vantage points that they had  
5 been using. We put people in the stairwells of the high rise  
6 apartments.

7 Q When you talk about a sniper team, is that a team  
8 with any particular type of training?

9 A Yes. What we did, on the rooftops we put one  
10 State Policeman and four selected riflemen, four Guardsmen.  
11 We haven't talked about what our policy is in New Jersey in  
12 this activity yet.

13 I would like to say at this <sup>time</sup> probably that when  
14 something like this happens, the mass of the people you are  
15 going to have in there are going to be uniformed guardsmen  
16 because here is where your great numbers of people come from.  
17 That's the reason why one State Policeman and four Guardsmen  
18 were on the roof.

19 Q Do you believe then, General, and you also said  
20 before that you don't believe it is effective to go on a  
21 massive search of a building --

22 A I am talking of a high rise apartment, four or  
23 five hundred apartments.

24 Q You don't think that that is an effective tool?

25 A No, I do not.

1 Q I gather from your answer that you feel that the  
2 best effective tools are sniper teams on roofs and security  
3 in the area?

4 A Well, yes, because you are denying snipers the  
5 vantage points that either they have used or which you have  
6 selected as possible points that they might use.

7 In my opinion, if you got a sniper in a high rise  
8 apartment you might as well back off. There is no sense in  
9 shooting up the apartment building. I don't mean that you  
10 don't do some possible searching and what we did was get people  
11 in and get them up the stairwells.

12 Now this leads them into apartments if they are going  
13 there and if they can get in. You may apprehend someone.

14 But to try to clear that whole building is a herculean task  
15 which I don't think can be accomplished.

16 In the same respect I don't think you shoot back at the  
17 apartment, which was done.

18 question. BISHOP TAYLOR: Are you saying, General,  
19 that it is practically impossible to control a  
20 sniper who is hidden in a high rise apartment?

21 THE WITNESS: Of course it is.

22 BISHOP TAYLOR: It doesn't matter how much  
23 ammunition he may have? You may shoot a half a day?

24 THE WITNESS: If he keeps it up you will get  
25 his but that isn't what they do. They shoot a few



1 things from rounds and then fade. If he continues to shoot  
2 of control of you can pinpoint him, yes. I don't think it is  
3 reasons. a question of his continuing to shoot. I think  
4 when he disappears into the mass of people or into the  
5 coming from apartments or something of the sort and to try to  
6 high rise apart root out all of that is almost impossible.

7 You are better to back off. You will get  
8 coming from him later or else he will get away and if he gets  
9 away that's better than killing somebody.

10 Q General, you have given us some thoughts on it  
11 and I wonder if you just wanted to go into any reasons why  
12 you feel there was mass firing in the Newark situation.

13 A No, I don't agree there was mass firing.

14 Q You said you thought there was some mass firing?

15 A I said there was too much return fire.

16 Q Would you give us some of the reasons for that?

17 I'm sorry, I didn't mean to put words inappropriately in the  
18 question.

19 A I have been beaten around so much by the press that  
20 I worry about words.

21 Q I think they are words of art here and it is my  
22 fault for inappropriately designating them then.

23 A Yes. I think it is the same reaction that you get  
24 when you move people against crowds. When somebody is spitting  
25 in their face and calling them a lot of foul names and throwing



1 things from the windows and what-not at them it is a question  
2 of control of tempers, I think. That's one of the many  
3 reasons.

4 When firing occurs out of a building, wherever it is  
5 coming from but let's say from the building or one of these  
6 high rise apartments, the tendency of most people involved  
7 was to return fire against the location where the firing was  
8 coming from.

9 Now I am nettrying to separate people because  
10 remember, these are mass patrols that were operating, mixed  
11 patrols. They were made up of police, State Police, Newark  
12 Police and Guardsmen. I can't tell you at this table today --  
13 and I have been sworn -- who did the shooting. I don't know.  
14 I have opinions and so do other people.

15 One of the important things that we have been pounding  
16 on since then is that no one commands a Guardsman except a  
17 Guardsman. No one commands a State Policeman --or at least a  
18 Guardsman does not command him --but the policeman. When  
19 joint patrols were operating, who started the shooting and who  
20 followed shooting at times like that I honestly don't know.

21 Now I assume that I am talking here not for publication.

22 (Discussion off the record.)

23 THE WITNESS: I will go back on the record  
24 now by saying our current plans very definitely  
25 require accountability of every round of ammunition

1 given to every man, so that anyone that goes out  
2 on a patrol of any kind or whatever his mission  
3 might be, whatever ammunition he has, if he  
4 has a clip of ammunition when he goes out, when  
5 he comes back he accounts for that clip of  
6 ammunition. If he doesn't have all of the rounds  
7 that he went out with, he has to explain why he  
8 doesn't have it. If it was fired, he has to explain  
9 why he doesn't have it. If it was fired, he has  
10 to explain on whose order it was fired and  
11 to account for what the results were.

12 Now I believe this has great importance.

13 It has great importance to impress upon each and  
14 every individual's personal responsibility with  
15 any rounds of ammunition he has.

16 There are other directors, who can and will  
17 give any command to fire or any degree of command  
18 that even puts ammunition in the gun, puts it  
19 in the chamber or fires it. An important point  
20 in our training now is the accountability of every  
21 individual, which we have done, which we do, which we  
22 will commanders in the various units, the state and personally  
23 acquainted with the group command and the police and  
24 have a direct liaison and relationship throughout the year  
25 we have plans that set up joint command posts. We have  
26 these in Newark, as a matter of fact. That's the reason for

23 Q General, I wonder if you would tell us a little bit  
24 about the type of pre-riot liaison that was established with  
25 the State Police and the procedure that was set up and how

1 it was set up.

2 A All right. If I can go back a number of years,  
3 this goes back events to the natural disaster operation as to  
4 whether you do or do not commit and by commit I mean order  
5 to active duty, not the assist that so often is done.

6 Our policy for a long time has been that there will  
7 be no recommendation for an actual call-up of National Guard  
8 Troops until the Superintendent of the State Police said that  
9 he no longer can handle the situation himself and needed  
10 assistance.

11 Now this is no reflection on anyone. This merely means  
12 that there aren't enough assets to do a job and you need more  
13 assets.

14 Now this has been the policy for a long time. Since  
15 late 1964 or early 1965 we have developed very firm and tight  
16 plans with the New Jersey State Police based on the assumption  
17 that we would be the direct support of the State Police if and  
18 when we were called to duty.

19 Now this has been even to a point of bringing together  
20 individuals, which we have done twice a year, so that our  
21 unit commanders in the various parts of the state are personally  
22 acquainted with the troop commanders of the State Police and  
23 have a direct liaison and relationship throughout the year.  
24 We have plans that set up joint command posts. We implemented  
25 these in Newark, as a matter of fact. That's the reason the

1 Newark Armory went into operations so quickly and everyone  
2 came to the same location. This was pre-arranged plans.

3 Our intelligence source, which is a very vital one,  
4 is the State Police, so that we have daily contact and flow  
5 of intelligence information between the State Police and  
6 ourselves, so that when we implemented our plans they were  
7 already pre-established.

8 Q May I leave another document with you?

9 A Yes. Could you tell us what it is, General?

10 A Emergency Plan for Domestic Disturbances.

11 MR. JAFFE: Can we mark it in as C-21?

12 That will be C-21.

13 (Document marked Exhibit C-21 in evidence.)

14 THE WITNESS: We have very firm integrated  
15 plans with the State Police.

16 Q Assuming a civil disturbance and the State Police  
17 cannot contain the situation and the National Guard is called  
18 in, under your plans who would have the direct responsibility  
19 of command? Would the National Guard operate under the  
20 Superintendent of the State Police or would the National Guard  
21 be the commanding center?

22 A I hope I can communicate on this one. The National  
23 Guard would not command. Let me make that as a very definite  
24 statement. We don't expect that the Superintendent of the  
25 State Police would command either. In Newark the Governor was



1 in command. We went in in support of the State Police.

2 Now this doesn't give the Superintendent of the State  
3 Police command of myself or my troops. This was a joint  
4 operation in that respect.

5 However, I would say that if it came to a difference of  
6 opinion or a showdown we would comply with the request of the  
7 State Police to accomplish any mission which they elected  
8 to have us accomplish.

9 We didn't have this and we don't expect to ever have it.  
10 We expect that it will be settled very quickly and that the  
11 Guard will function primarily with mission-type operations,  
12 which is what happened in Newark.

13 Q For example, General, just on a very specific  
14 lower level, assuming you have a patrol or a roadblock com-  
15 posed of two or three National Guard Troopers and State Police-  
16 men and Newark Policemen.

17 Who would have command in that unit and how would  
18 command be determined?

19 A We didn't have that. Let me tell you what we did  
20 have. We took over the mission of tying the area up. This was  
21 a mission that we the National Guard assumed and did. Now  
22 at my request 19 of those 137 posts became check points.  
23 These were to clear people in and out of the area. I requested  
24 not a State Policeman but a Newark Policeman to be at that  
25 roadblock so that he was the man that would clear people in



1 and out of the roadblock and not my troops.

2 Now you did there then have a Newark policeman and  
3 you had two Guardsmen or three Guardsmen, whatever the  
4 number happened to be required at that particular clearance.  
5 The Newark policeman cleared people in and out through the  
6 roadblock with no interference from my people because he was  
7 there for that purpose.

8 However, the roadblock was held by my people. Does that  
9 answer your question?

10 Q Yes, that answers it in that context.

11 A We did have joint patrols. These are outlined  
12 in this document.

13 Q My question is a little bit of a take-off from  
14 our other problem. You have a joint patrol and there is a  
15 sniper fire or there is a rumor of a sniper fire, or there is  
16 some sniper fire of some sort.

17 Who decides whether or not there ought to be return fire,  
18 how it ought to be done or who decides what action that patrol  
19 should take?

20 A I think this is some of the trouble that happened  
21 on return fire. My senior guardsman will command my troops  
22 and he will operate under the instructions which he has,  
23 as far as my troops are concerned, the guard troops. If the  
24 policeman fires and my senior individual on the post is  
25 operating under orders which does not permit him to fire,

1 he will not fire. Now we did not have these clearly spelled  
2 out in the Newark operation. We expect to operate under  
3 mission type orders and I say such as the confinement of the  
4 area. The Guard confined the area. The Guard controlled  
5 Springfield Avenue and Clinton Avenue. The State Police  
6 assumed certain missions promptly. We assumed the confining  
7 of the area. were not there for that purpose.

8 We took over the patrolling of the two bad streets,  
9 Clinton Avenue and Springfield by putting a squad in each  
10 block and a mobile patrol of military policemen up and down  
11 the street. These were missions that we took over. and give

12 There was no conflict. We were responsible for them and  
13 complied with them. Then we did have the joint patrols that  
14 circled the areas.

15 Now we added muscle really to the State Police patrol  
16 which in that case was really a State Police patrol. We had  
17 people there in greater numbers to assist them to hold  
18 prisoners that they might run into a group, to hold them and  
19 the arrest teams were the State Police. If and when they  
20 did arrest people and put them in the vehicle which we had  
21 there for that purpose, our people operated the vehicles  
22 and if necessary, were additional guards. That was really  
23 a State Police patrol. but the troops had not been given

24 I am sure that the mission of my people would be in  
25 support of the State Police and that patrol would run intene

1 conflict because they would do the job and they were directed to  
2 do and that was to hold the people, let the State Policemen  
3 arrest them, get them in the vehicle, confine them in the  
4 vehicle and then if you ran into a question of shooting --  
5 this was a bit of a conflict which was a conflict I would say  
6 probably in Newark and which I hope would not develop again  
7 because they were not there for that purpose.

8 **Q** General, would you tell us what kind of orders  
9 for the use of firearms were given to the National Guard in  
10 Newark and when they were given, at what intervals?

11 **A** Well, let me say that the only man that can give  
12 the order to arm the troops is myself under both our past  
13 and present directives. I did give the command to arm the  
14 troops.

15 **Q** Could you tell us when that was given?

16 **A** Well, it was at 7:30 to 8 o'clock in the morning,  
17 during the reconnaissance of the area made by the Governor  
18 and the Mayor and certain other people, of which I was part  
19 of the party.

20 **Q** That would be Friday morning, is that correct?

21 **A** Friday morning. That party moved out about  
22 7:30. It was 15 to 20 minutes, some period of time.

23 **Q** Prior to that the troops had not been given  
24 any order at all?

25 **A** No.

1 Q That was the first time?

2 A As a matter of fact, the message came to me by  
3 State Police radio, do we or do we not arm the troops we  
4 place upon the street?

5 I said we do. I gave the command to arm the troops.  
6 Any command to fire was given by a local commander of mine.

7 Q Under what circumstances and what would be his  
8 instructions?

9 A I wish I could tell you that I had given him  
10 instructions. He didn't have any, except to control the  
11 fire. The senior officer present was the officer responsible  
12 for any firing that was done.

13 VICE CHAIRMAN BROWN: I think one of the  
14 questions that was asked which I think is  
15 pertinent is this:

16 Was there in every instance a senior  
17 military officer, either non-com or commissioned,  
18 with a detail or were there instances where  
19 State Police and city police actually directed  
20 fire as far as we know?

21 (Discussion off the record.)

22 Q In any case, General, with the orders that are  
23 now outstanding which you have discussed with us, a senior  
24 guardsman would have the responsibility of determining  
25 whether or not there would be fire returned irrespective of



1 what a local police department official or a State Police  
2 official would do, is that correct?

3 A No one will command Guardsmen except a Guardsman.  
4 No one will fire except on orders of his senior. All  
5 ammunition will be accounted for round by round from any  
6 individual's possession. Briefly that is the crux of the  
7 directives.

8 Q Could you give us an estimate, General, of the  
9 amount of ammunition that was expended in the Newark riot?

10 A No, I cannot.

11 MR. JAFFE: Off the record.

12 So the (Discussion off the record.)

13 Q General, the Commission would like to give you a  
14 two-week period of time or more, if you think it is necessary,  
15 to check this matter out with your command and would  
16 appreciate hearing from you either by letter or personal  
17 appearance, as you see fit.

18 Is that acceptable to you, sir?

19 A Yes, it is.

20 MR. DRISCOLL: You were off the record and

21 "this matter" doesn't describe anything

22 particularly.

23 He knows what it is but the record won't

24 know what it is.

25 MR. JAFFE: I will clear it up.

1 THE WITNESS: The last question was how  
2 much ammunition was expended.

3 MR. DRISCOLL: I stand corrected.

4 BISHOP TAYLOR: General, you said earlier  
5 that your primary mission is to the federal  
6 government and secondary is to the state?

7 THE WITNESS: Yes.

8 BISHOP TAYLOR: Now when the Governor  
9 calls on the National Guard, is it a request  
10 or a command?

11 THE WITNESS: It is a command, Bishop.  
12 So that there is no misunderstanding, what I  
13 meant by the first mission of the National Guard  
14 is its federal one and it has a secondary  
15 mission of responding to the call of the  
16 Governor, when the Governor orders the National  
17 Guard up they then become state troops and  
18 subject to order of the Governor.

19 VICE CHAIRMAN BROWN: I might add to that,  
20 if I may, sir -- and this is not on that but in  
21 the other role -- that the Governor is the  
22 commanding officer of the National Guard under  
23 circumstances where he acts in this fashion,  
24 so that actually the dual role of the National  
25 Guard is the real issue probably throughout the

1 Reserve-Guard controversy.

2       Technically he is the commanding officer  
3 when the Guard is called out for state duty.  
4 This is the ancient concept which resulted  
5 ultimately -- and General Cantwell and General  
6 McGowan and others developed this concept over  
7 the years after World War 2 -- of the complete  
8 contribution to the State Guard of federal  
9 equipment, of federal moneys and all of the  
10 total preparation that we have today.

11       Prior to World War 2 the Guard was pretty  
12 much a stepchild. It got left-over equipment  
13 and that sort of thing, didn't it?

14       Of course, the General knows more about  
15 the history of the Guard than anybody.

16       THE WITNESS: The important thing from the  
17 Bishop's viewpoint is that the Guard is actually  
18 equipped for its basic mission, which is the  
19 first line reserve. I think so, Governor. Really

20       We do not have equipment nor is it intended  
21 that the Guard would be equipped for this civil  
22 disorder operation.

23       We perform it and it has normally been  
24 suitable to be performed with the equipment  
25 that you have from your basic mission. This

1 separates Newark from Detroit, if you want to  
2 talk about the problems of Detroit.

3 MR. DRISCOLL: General, having always  
4 recognized in my own mind that the primary  
5 mission of the National Guard was national  
6 defense and having always worried about the  
7 possibility of the Guard being called out for a  
8 secondary mission, I would like to ask you  
9 whether or not in your opinion, in the amount  
10 of time that you have with your troops, you can  
11 really prepare for two missions, namely,  
12 national defense on the one hand so that you  
13 have a well-qualified group, and secondly, for  
14 riot control, a civil disturbance.

15 Do you think you have enough time?

16 THE WITNESS: To be able to accomplish  
17 the secondary mission?

18 MR. DRISCOLL: Yes.

19 THE WITNESS: I think so, Governor. Really  
20 I do. You are not policemen. I think this is  
21 the big difference that occurs in this type  
22 operation.

23 If I can talk training for just a moment,  
24 a policeman is trained to operate as an  
25 individual, basically. He is supposed to be



1 aggressive and take certain personal actions and  
2 so on.

3 The normal soldier is trained to operate as  
4 a unit, even though it is a small unit as at  
5 squad level. His training doesn't give him the  
6 same type of feeling or approach to a problem,  
7 that a policeman normally would have, to move in  
8 and take aggressive action and maybe shoot.

9 I think the crux of this question of firing  
10 relates somewhat back to that point I have just  
11 described. A policeman responds basically to  
12 his own decision and judgment at the time he is  
13 there.

14 Our people are not trained that way and  
15 shouldn't function that way, actually. I don't  
16 mean that they aren't just as much individuals.  
17 They are.

18 But their training leaves themselves  
19 basically to be led in some type of patrol  
20 action. That's the reason I questioned what we  
21 discussed on the firing, as to who followed  
22 the school but it is a joint operation. Now as  
23 whose lead.

24 VICE CHAIRMAN BROWN: This is something  
25 to be hard and cold on this question of  
that you have already moved into to take  
cooperation with the State Police and take  
corrective measures and take control?

1 THE WITNESS: Yes.

2 I have lectured on that.

3 VICE CHAIRMAN BROWN: These very points  
4 you are bringing up are key points but were never  
5 perhaps anticipated prior to these events.

6 BISHOP DOUGHERTY: Genera. I understand,  
7 as has just been observed, that measures have  
8 been taken.

9 You mentioned a 32-hour training period  
10 and so on. I would like to ask your judgment  
11 about some kind of coordinated training with the  
12 State Police and the municipal police.

13 Is this feasible at all? Because when the  
14 crisis arises, they have to operate in a  
15 coordinated fashion.

16 THE WITNESS: Bishop, I think we are doing  
17 it actually right now. The Governor has directed  
18 the school for municipal police and so on on  
19 rioting. We are operating this school jointly  
20 with the State Police.

21 The State Police are actually operating  
22 the school but it is a joint operation. Now as  
23 a military man it is a little hard for me to try  
24 to be hard and cold on this question of  
25 cooperation with the State Police and who commands

1 at a particular time.

2 Frankly, it doesn't bother me at all from  
3 my viewpoint but as a soldier I find it a little  
4 hard to spell out on paper the exact line of  
5 demarcation.

6 We don't anticipate this is going to happen.  
7 Now maybe we didn't anticipate it before Newark  
8 either. We did run into this joint patrol  
9 action and we found out we have to do something  
10 about it and we have done something about it.

11 I think it is probably like any fire  
12 company that has never gone out to a fire. They  
13 know all the rules but they really don't learn  
14 the real lessons until after they get out and get  
15 bloodied up and burned up and a few more things  
16 at a fire.

17 I think this is really what happened at  
18 Newark. We had good plans, we implemented the  
19 plans. In general I think they worked  
20 excellently.

21 It is my opinion that the job was done well  
22 at Newark, relating it to other instances  
23 elsewhere. We learned some lessons from it.  
24 Of course, some of the lessons are the same  
25 points that are being discussed now because they

1 have been talked about so much, including by  
2 myself.

3 I think that's the real answer to this  
4 thing.

5 VICE CHAIRMAN BROWN: I think the Bishop  
6 should not feel that you regard those 32 hours  
7 as anything having cured the total problem that  
8 is there.

9 THE WITNESS: No. I talked a little bit  
10 about that before you came in.

11 We had riot training before but the riot  
12 training --part of this 32 hours is exactly  
13 the same training. If you need refreshing on it  
14 you refresh on it.

15 We probably would have had an easier time  
16 and probably had more people hurt and more  
17 injuries probably if we had been able to move  
18 against masses of people.

19 But this is not the type of thing we  
20 encountered. We haven't discussed that at all  
21 and I am sure you have with other witnesses but  
22 by the time we moved into Newark, the big blow  
23 was over.

24 The riot, the real riot in Newark happened  
25 before we moved in or the State Police moved in.



1 So we had to put the lid on what had already  
2 blown.

3 Now there have been other incidents in  
4 New Jersey where riots have been prevented. Of  
5 course, nobody wants to talk about those because  
6 they are not dramatic.

7 The last one was Camden four weeks ago.  
8 I have forgotten the date exactly when Rap Brown  
9 spoke in Camden. This went all the way to the  
10 point of committing State Police to the street  
11 and breaking it up and preventing another Newark  
12 from developing.

13 However, the finger was on the button that  
14 would have committed the Guard very quickly after  
15 that if really the riot had not been subdued.  
16 It wasn't prevented. There were windows broken  
17 and a few things like that, but it didn't get  
18 beyond that stage.

19 Now Newark blew up and Detroit went a lot  
20 further but Newark blew up and by the time that  
21 we actually moved into Newark, why, the real  
22 damage was done.

23 So my first reaction, riding about the  
24 area at 7:30 the next morning and seeing people  
25 running in and doing this looting and whatnot

1 problems that that was going on, I wondered to myself at least,  
2 are these the same people that blew this town up  
3 this is a real last night?

4 learned our experience. By that time it was like a county fair.

5 out of an area. Stores were broken open and it was almost an  
6 invitation. To myself the first thing I said

7 was, I wonder if these are the people that blew  
8 I am sure I saw all this stuff up last night or whether these are  
9 have started just people taking advantage of the opportunity.

10 I think this is a I think they are two different groups,  
11 deescalation really. Maybe there was an overlap there.

12 Q General, we were at the point before where I had  
13 asked you when the order to arm had been given and you said  
14 it was in the morning of Friday.

15 I wonder if you could tell us when that order was  
16 rescinded, if it was rescinded at any time.

17 A The order was not rescinded.

18 Q I see. When did the Guard pull out of Newark?  
19 Was that on Monday? Did it pull out with the State Police  
20 on Monday morning?

21 A Yes. VICE COMMANDER MURPHY General, in this

22 Q It did?

23 A Yes. My After Action Report indicates that I  
24 would like to have done it about 24 hours earlier but I  
25 couldn't. Escalation and deescalation are really the same

1 problems that you face.

2 One of your real difficulties on any emergency --and  
3 this is a natural disaster as well and this is where we have  
4 learned our experience so well on when do you start to move  
5 out of an area which you are either controlling or assisting  
6 or helping and what are your stages of deescalation?

7 It is pretty hard to get decisions on that score.  
8 I am sure I say in my After Action Report I would like to  
9 have started to deescalate a day earlier than we did. Again  
10 I think this is a lesson well learned. There are stages of  
11 deescalation as well.

12 You just don't necessarily pick everybody up and take  
13 them home all in one package. I think probably a day earlier  
14 we could have started to remove the patrols off the streets  
15 and then eventually have taken the ribbon from around the  
16 area and things of that sort so that we would have phased  
17 out in a more gradual stage than we did.

18 As you know, we had the Plainfield incident develop  
19 in conjunction with Newark so that as we deescalated out of  
20 Newark we did assume certain responsibilities in Plainfield.

21 VICE CHAIRMAN BROWN: General, in this  
22 entire thing one thing that has disturbed me  
23 is our own reliance on other intelligence  
24 apparently, so the question I would ask is this:  
25 Is it a fact that we really rely on intelligence

1 generated by the local police or what intelligence  
2 guides us as opposed to our own communication?

3 THE WITNESS: Our source of intelligence  
4 is the State Police.

5 VICE CHAIRMAN BROWN: Our own intelligence  
6 people never get a chance to function either  
7 before, during or after, is that correct?

8 THE WITNESS: That is correct.

9 VICE CHAIRMAN BROWN: Well, isn't this a  
10 vital deficiency in terms of our major unit  
11 function?

12 THE WITNESS: We do not have the capability  
13 for intelligence source within our own Guard  
14 structure.

15 VICE CHAIRMAN BROWN: What about on a  
16 federal level? As Governor Driscoll points out,  
17 our primary mission in a sense, all since the  
18 Revolutionary days, I think our primary mission  
19 was federal.

20 Doesn't a federal agency, the F.B.I. or  
21 any other agency, have any responsibility to  
22 guide troops? For example, let's assume -- as  
23 I am not saying this is the case, although  
24 frankly it is my opinion -- that the State Police  
25 got most of their intelligence from agents of



1 State Police, plus intelligence from local  
2 police.

3 They had to work in that fashion because  
4 as Colonel Kelly described it, he had people  
5 stationed at certain strategic administrative  
6 and operating areas and they reported back to  
7 him.

8 Actually if the Guard moves in it is moving  
9 in blind except for what the local police and  
10 State Police tell us.

11 Isn't there any federal provision for  
12 F.B.I. information to us or anything or isn't  
13 there any way it can be done? We move in  
14 blind, really.

15 MR. DRISCOLL: Not at the present time.

16 THE WITNESS: No. I think it is too  
17 strong a term.

18 VICE CHAIRMAN BROWN: You don't think we  
19 move in virtually blind except for what they  
20 tell us, the State Police and local police?

21 THE WITNESS: Our intelligence with the  
22 State Police is continuous, daily.

23 VICE CHAIRMAN BROWN: Twenty-four hours  
24 through every day?

25 THE WITNESS: We were well aware of the

1 situation in Newark 24 hours before we went into  
2 Newark.

3 VICE CHAIRMAN BROWN: But that was a kind  
4 of intelligence that they in turn had gleaned  
5 from a minimum of witnesses from State Police in  
6 Newark who in turn were relying on local police  
7 information or at least that's what I understood  
8 Colonel Kelly to say.

9 He had certain people spotted but they  
10 amounted really to four or five men with one  
11 senior officer and what they were getting was  
12 probably, as he described it, information because  
13 one man would be stationed at the police station  
14 and he would give his opinion, his estimate of  
15 the situation and I think he said very frankly  
16 that his estimate of the situation indicated  
17 that perhaps an earlier call would have been  
18 useful.

19  
20 But this means that they in turn are  
21 relying on the local police who are really in a  
22 peculiar sense participants in this whole  
23 municipal contest.

24 THE WITNESS: Do you see any way of  
25 correcting that, really?

VICE CHAIRMAN BROWN: Yes, I do. I think

1 that one way-- and I had suggested this,  
2 incidentally, to the Armory six months before  
3 this blew, I talked to Colonel Allen about it and  
4 I told him that one measure of intelligence in  
5 the community would be through some of the  
6 relationships that we have developed in terms of  
7 recruiting in the past.

8 For example, I mentioned Ollie Lofton  
9 specifically as an example. I said to him,  
10 "Colonel, if, for example, people like Mr.  
11 Lofton", and I named nine or ten others, white  
12 or Negro, "were to be talked to at this time you  
13 would find things are pretty hot out there in  
14 the street."

15 I don't know what the relationship of the  
16 Guard really is to calculating intelligence or  
17 if you will, intruding into this area.

18 THE WITNESS: I think we would be intruding.  
19 I don't think that is our mission.

20 VICE CHAIRMAN BROWN: But we are projected  
21 into it. We are projected into a neighborhood  
22 and then the very people who ultimately come in  
23 to supply the intelligence are the people that  
24 originally could have set up what is not  
25 effective, the previous intelligence. That is

1 the one thing that disturbs me greatly about the  
2 Guard.

3 It moves in -- and I know you feel,  
4 General, and this is my word alone from what  
5 experience I have had, --almost blind except for  
6 the information given by the very police forces  
7 who are themselves deeply involved.

8 This means that a neutral, main control  
9 agency moves in and has to rely on those who are  
10 direct participants.

11 I will never forget your telling this  
12 assembly of ranking officers only a couple of  
13 weeks ago that you are dealing with our  
14 citizens, you are not fighting enemies.

15 You just have to learn that there are  
16 certain restrictions and certain attitudes you  
17 must take. I might say for the record that he  
18 has emphasized this continually, that you are  
19 not fighting an enemy, you are attempting to  
20 quell disturbances involving our own people, our  
21 own citizens, something which many of our Guard  
22 and police officers don't seem to understand  
23 at all.

24 Without this kind of understanding and  
25 intelligence it just seems to me there is a great



1 gap. Why couldn't the F.B.I., for example,  
2 General, somehow at a critical point work through  
3 you and through your office?

4 Wouldn't it be consistent with this major  
5 federal responsibility that comes down on you  
6 no matter how you cut it? The United States  
7 Government is involved.

8 THE WITNESS: I would rather have Governor  
9 Driscoll answer that. He is a much more  
10 knowledgeable man on the rights of the states and  
11 municipalities and so on than I am.

12 VICE CHAIRMAN BROWN: Don't you think this  
13 is an area to be concerned about?

14 THE WITNESS: Let me read from our lessons  
15 learned in the After Action Report.

16 "While great reliance must be made on local  
17 civil authorities for initial intelligence,  
18 knowledge of the existing situation, information  
19 of the area, guides for movement into and about  
20 the area"--in the guides we can handle that  
21 with our own people -- "requests for specific  
22 types of support and close coordination of  
23 operational activities, these are not always  
24 readily available and their unavailability  
25 serves as a serious obstacle to rapid formulation

1 and implementation of plans."

2 VICE CHAIRMAN BROWN: You said it is  
3 better than I in four lines, but where are we  
4 going to get it?

5 THE WITNESS: "D.O.D. and Guard commanders  
6 had established close professional and personal  
7 relationships with the commanders and staff  
8 personnel of the State Police over a period of  
9 two years preceding this operation. Plans had  
10 been jointly prepared for the use of the Guard  
11 in direct support of the State Police. The  
12 execution of the plans was delayed by a  
13 reluctance of local authorities to recognize the  
14 full extent of the difficulty until damage had  
15 been done over a wide area and a difficulty  
16 encountered in getting intelligence quickly from  
17 the local authorities already heavily committed.  
18 Future planning must emphasize the necessity  
19 for local authorities to providing supporting  
20 forces with prompt intelligence."

21 Now we had no alternative when we moved  
22 into Newark, either the State Police or ourselves,  
23 to do anything but accept the advice of the  
24 local authorities as to how widespread this  
25 activity was and then the 7:30 reconnaissance

1 of the area when it was made, upon which we  
2 had to develop our initial plans and which are  
3 the ones that we followed as a matter of fact  
4 to the end of the operation.

5 I see no way to change this, really.

6 VICE CHAIRMAN BROWN: Your After Action  
7 Report pinpoints it precisely. Now here is  
8 Bishop Taylor asking the question, does the  
9 Governor command that you move in? Of course  
10 he does.

11 THE WITNESS: Only after help is asked for.

12 VICE CHAIRMAN BROWN: After it is requested  
13 and it should be asked for under the statue in  
14 a little different way than it was too, but  
15 that's another point.

16 When that help is asked for then the Guard  
17 is committed as a force which has to rely on the  
18 intelligence of the local authorities.

19 These very local authorities are the  
20 people by definition in the After Action Report  
21 apparently misjudged the timing which is so  
22 important.

23 Now the Guard is committed and it comes  
24 in as the most powerful of all forces and by  
25 virtue of that kind of intelligence has to

1 function.

2 That seems to me to point up, General, one  
3 of the very real problems that has to be faced  
4 as to whether or not this Guard which operates  
5 as a militia, again coming back to the primary  
6 and secondary function, is going to really  
7 function in terms of its people and know what is  
8 going on or blindly be called in because the  
9 police chief of Camden waits two hours longer  
10 and when the Guard moves in it faces fire, has  
11 to return it and chops up whole towns.

12 Now it would appear to me that unless some  
13 concept of intelligence or understanding is going  
14 to be generated, that this force is going to  
15 continually be dangerous, it is going to  
16 continually be launched like a weapon aimed on  
17 information that isn't too accurate.

18 For example, I felt and feel now that had  
19 the very people whose names were supplied and  
20 whose participation was apparently in terms of  
21 broad policy rejected and who were eventually  
22 the people that had to work to aid and inform  
23 been countenanced, the Guard never would have  
24 been called in in the first place and had it  
25 been called in it would have been operating not



1 as a tremendous dog being wagged by somebody  
2 else's tail but that we would have had direction,  
3 you would have had the full information from  
4 which you could make your military assessments.

5 Otherwise you were simply there responding  
6 to issues and information for which you were not  
7 responsible. I think this is a very serious  
8 area that the Commission and everybody else  
9 concerned with it has to be aware of.

10 I realize your problem. You don't want  
11 to move in as a military man in terms of civilian  
12 interests and thereby it is thrown to the  
13 Commission in a way.

14 Don't you feel that in Detroit -- could I  
15 digress to that extent?

16 CHAIRMAN LILLEY: At this point we should  
17 have a recess.

18 (RECESS)

19  
20 VICE CHAIRMAN BROWN: I was asking the  
21 Chairman oddly enough whether it was possible  
22 to go to the Detroit incident to show the  
23 relationship of perhaps the contrast in terms  
24 of intelligence and action.

25 So I will now ask that of the Director.

1 Do you think we should or should we avoid that  
2 at this time?

3 MR. JAFFE: I think it would be illustra-  
4 tive. I don't see anything wrong with it.

5 VICE CHAIRMAN BROWN: General, we were  
6 talking about the relationship of intelligence  
7 and reliance of troops on local intelligence,  
8 that is, State Police and city police.

9 Would there be anything from your Detroit  
10 after action experiences that could illustrate  
11 this? If not, we will just go by it. I thought  
12 perhaps there would be.

13 THE WITNESS: You are holding it to the  
14 intelligence phase?

15 VICE CHAIRMAN BROWN: No, not to the  
16 intelligence phase alone but anything that you  
17 have said up until now.

18 THE WITNESS: I think Detroit is an  
19 entirely different problem than Newark. Let me  
20 talk just a couple of minutes about three or  
21 four incidents, one being Detroit, one being  
22 Newark and another one being one I am familiar  
23 with which was Camden about a month ago or else  
24 then you might relate it to Madison, Wisconsin,  
25 if you want to put those in the same category.

1           In the case of Newark the situation was  
2 known or at least we were aware of it, the State  
3 Police too, that troubles were happening in  
4 Newark at least 24 hours before we went in.

5           The situation deteriorated for some period  
6 of time. These are flash cards that I frequently  
7 use for notes when I am talking or lecturing.

8           We were aware early on the 13th that  
9 troubles were developing in Newark. We went  
10 into semi-operation as we always do and we have  
11 a series of alerts, white, yellow and red.

12           We knew around dinnertime that the decision  
13 was made over in Newark apparently that they  
14 could handle the situation and it wasn't until  
15 early in the morning that the call was made so  
16 things blew up.

17           Really by the time we moved in the next  
18 day jointly, and in this particular case this  
19 was a joint commitment of the State Police and  
20 the Guard simultaneously, although our plans  
21 visualized generally the movement of the State  
22 Police in and then we move in in support of  
23 them when they needed additional help.

24           This situation required a simultaneous  
25 commitment. The plans worked all right, but

1 the blow had already happened, the real blow.

2 Now if I can go back to Camden about a  
3 month ago, a similar situation developed when  
4 Ray Brown was coming in to speak there and the  
5 Camden authorities were greatly concerned and  
6 asked for assistance during the day in  
7 anticipation.

8 Now this is a real serious decision to  
9 make, if you were the man sitting in the chair,  
10 as Governor Driscoll has been. You can't send  
11 people in on questions of rumors.

12 I am not talking about myself now. I am  
13 talking about the man sitting in this big chair  
14 down in Trenton. Past experience has proven to  
15 a lot of us that 90% of the rumors develop to  
16 be exaggerated or false or more than 90%  
17 sometimes.

18 We have had a great many of those in the  
19 last year where we have gone in to operation  
20 in some degree and really, in my opinion, I  
21 think have prevented incidents.

22 These are the things that ought to be  
23 given more credit for than to try to give  
24 criticism of a situation after a blow happens  
25 and you are committed to something.



1            But the Camden situation developed and  
2 here is one where intelligence existed.

3            To answer your question of intelligence,  
4 we anticipated this situation. So proper people  
5 were working on it and plans were made, certain  
6 agreements were made and maybe Dave Kelly ought  
7 to be talking more about this than I, but a  
8 commitment was made where Camden was going to  
9 commit their full force at the proper time with  
10 the understanding that backups would occur to  
11 take care of other situations.

12            They did this. The State Police went  
13 into operation and moved their task forces  
14 close in to the problem. At the last minute  
15 they moved them closer, which brought a State  
16 Police task force right into our CP at Camden.

17            We were ready then on the yellow alert.  
18 We were operating everything except pushing  
19 the button. The situation as it grew up finally  
20 required the commitment of State Police to the  
21 street and the State Police moved out quickly  
22 and aggressively and they tied the situation up  
23 without any great serious harm.

24            We never went beyond the yellow stage.  
25 This is another type of operation and one that

1 indicates that intelligence does exist.

2 If decisions are made at the proper time  
3 for help and so on, this is the kind of thing  
4 that happens.

5 Now in Madison, Wisconsin, two or three  
6 times, they apparently have some pretty well  
7 trained police out there and they have riot  
8 squads and they have been able to handle the  
9 situation up until now.

10 They have never had to go beyond the  
11 commitment of their own riot forces.

12 To go back to Detroit, which is probably  
13 the worst of the lot, and that's a problem all  
14 in its own, you start in the beginning and I  
15 think there were political overtones involved  
16 in it, a delay of a couple of days where the  
17 situation has already blown, no firing has been  
18 permitted and the situation has deteriorated  
19 pretty badly. One brigade still in Michigan.

20 When the National Guard Troops were called  
21 in they were committed piecemeal, which is the  
22 worst thing in the world to do, and the  
23 situation continued to deteriorate and really  
24 what happened in Detroit the riot ran its  
25 course without anything happening. Even though

1 all these things happened it still ran its  
2 course.

3 Federal troops were eventually called,  
4 as you know, under the wrong declaration and  
5 all that sort of thing. Federal troops sat  
6 two days out at Saffridge Air Force Base just  
7 outside of Detroit and eventually one brigade  
8 was committed into the city. The war was over  
9 by that time.

10 This is a case where it just deteriorated  
11 and deteriorated continuously and really ran  
12 its course and probably wouldn't have gone  
13 much further even if you hadn't had troops  
14 in there.

15 If you want to talk about the National  
16 Guard of Michigan versus New Jersey, they were  
17 in a position of having one of these 52%  
18 divisions out there without any support.

19 They had one brigade still in Michigan.  
20 The rest of them were at field training 250  
21 miles away in Camp Graley. With all the  
22 equipment 250 miles away, what little they had,  
23 what they did commit initially they had to use  
24 commercial transportation, committed piecemeal,  
25 never effective. Eventually they brought in

1 troops down by motor from Camp Drum, as we would have to do  
2 if such a situation happened, and committed piecemeal. The  
3 situation never was gotten under control.

4 VICE CHAIRMAN BROWN: The Guard never had  
5 a chance to perform with a unit as we did?

6 THE WITNESS: And in poor condition any-  
7 way because it was a 52-percent unit, practically  
8 no support, and it is a real unpleasant situation  
9 in Detroit.

10 There was a complete lack of intelligence  
11 in Detroit, I would think.

12 VICE CHAIRMAN BROWN: Of course, that area  
13 the Commission, I am sure, will develop so I  
14 won't touch that.

15 Again I apologize to you and the Commission  
16 for being late but have you told them about our  
17 relative strength vis-a-vis other National  
18 Guard units throughout the country?

19 THE WITNESS: No. I have outlined what  
20 we have in New Jersey.

21 VICE CHAIRMAN BROWN: Would you say that  
22 we are probably --

23 THE WITNESS: We are 8th in the country,  
24 if that's the question you want to have answered.  
25 We have the big states, of course, like New York,



1 California, Pennsylvania is third, Texas is  
2 fourth and we are in a category with States  
3 like Alabama, Ohio, Massachusetts and ourselves  
4 generally on strength. From there on you go  
5 much lower.

6 BISHOP TAYLOR: When you say eighth do  
7 you mean in proportion or 8th?

8 THE WITNESS: Plain strength. In theory  
9 these should relate to the population. They  
10 don't necessarily but they should.

11 VICE CHAIRMAN BROWN: In fact though, we  
12 are far higher than that on a scale that would  
13 call for a ratio of strength to population  
14 though, aren't we?

15 I mean in terms of our strength, our  
16 priority development and support.

17 THE WITNESS: Well, one of the important  
18 things is that we do have a priority division,  
19 80 percent strength, which really is more  
20 important in numbers itself. Michigan has a  
21 division too but it is a 25-percent division  
22 with no support.

23 So it is reasonably ineffective from both  
24 an equipment viewpoint and that's the reason why  
25 I think you hear so much complaint in certain

1           quarters about no equipment, lack of equipment  
2           to do this job. This was not true in New Jersey,  
3           in my opinion.

4           We had plenty of motors to move our people  
5           and you haven't talked about where they came  
6           from yet but we moved them up here from as  
7           far south as Salem without any trouble and  
8           quickly.

9           We had all, in my opinion, the basic  
10          equipment that we needed to operate. If there  
11          was any shortage of equipment -- and I love  
12          to get on this subject because I want to punch,  
13          which I have been punching a long time, away  
14          on it -- we didn't have some of the sophisti-  
15          cated type of equipment and we didn't have the  
16          equipment necessary to communication, Number 1,  
17          with civilian agencies.

18          We had enough to communicate with military  
19          channels but we were in trouble communicating  
20          with primarily the State Police. We had some  
21          vehicles at top level but this didn't help us  
22          with communicating down in the streets.

23          Now I think we are going to correct that  
24          within the State of New Jersey.  
25

1 VICE CHAIRMAN BROWN: How about municipal  
2 police communications as in Newark?

3 THE WITNESS: No. We were not so much con-  
4 cerned with that as we were communicating with  
5 our patrols that were on the street in the State  
6 Police net.

7 We had to come back through military  
8 channels before we could get into the State  
9 Police net at a high level and this doesn't  
10 help you much if you got a ten-man patrol  
11 committed in the middle of the street and  
12 trouble is brewing. That's the reason I had  
13 mobile patrols riding those two streets.

14 I think we are going to correct that  
15 within our own streets.

16 VICE CHAIRMAN BROWN: That means  
17 communications from the municipal police have  
18 to go to the State Police and if you have a  
19 common net you get it. In this case  
20 they had problems too but the communication  
21 would come from local police to the State Police  
22 and then we would get it through this inadequate  
23 net, sitting together in one spot as they  
24 were.

25 THE WITNESS: These were people sitting

1 together in one area at the top level but I am  
2 concerned about the low level.

3 MR. WACHENFELD: General, you say you  
4 are going to correct it. How are you going to  
5 correct it?

6 THE WITNESS: Well, unless the budget  
7 people prevent it, which I don't think they will,  
8 the State Police will have in their inventory  
9 a sufficient number, that number being 50,  
10 as a matter of fact, of State Police radios  
11 which will be turned over to us as soon as we  
12 become operational. Then we will be right into  
13 the State Police net. We are working it out  
14 now with Army additional channels so that we  
15 won't flood the two channels that the State  
16 Police have. This will be the same equipment  
17 that the State Police has, rather than purchased  
18 in the Defense Department, it will be assets  
19 of the State Police because it should be  
20 purchased from the same source but it will be  
21 turned over to us when we become operational.  
22 We will just take over the State Police  
23 radios.

24 MR. LOFTON: General, as you were relating  
25 some aspects of the Detroit experience, did



1 I understand you to say that it was a mistake  
2 to commit the Guard there piecemeal? I am  
3 relating now back to the previous statement  
4 that you made, that there is a problem of  
5 escalation and then there is a problem of  
6 deescalation.

7 If I understood you correctly you said  
8 that with respect to New Jersey the New Jersey  
9 situation, it was your opinion that perhaps the  
10 deescalation should be done in a step phase  
11 operation.

12 Do I understand you to say now that as  
13 far as the escalation, once the Guard force  
14 is to be committed it should be committed in  
15 full strength or is it to be committed another  
16 way?

17 THE WITNESS: I would say that the  
18 simplest and best and safest way to get a  
19 situation in hand is to saturate the area with  
20 manpower, not with fire power.

21 MR. LOFTON: In other words, a strong  
22 show of force?

23 THE WITNESS: A great strong show of  
24 force with a great number of people, saturate  
25 the area with manpower, not fire power, Now if

1 you have a few number of people you are going  
2 to have more shooting, if you have any shooting,  
3 than you are if you have a mass of people.

4 Now deescalation--when I was talking  
5 of escalation I was really talking about the  
6 application of force. When do you go beyond just  
7 the mass of manpower and when do you go to  
8 fire hoses if you have available that type of  
9 equipment? When do you use any of the agents  
10 such as tear gas and that sort of thing if  
11 you are dealing with mobs?

12 Then when do you put a clip into the gun  
13 and when do you put a round into the chamber and  
14 when do you do this? This is escalation or  
15 application of force.

16 Mr. Brown has a real good lecture on  
17 that subject which I have heard him give, the  
18 application of reasonable force, as I remember,  
19 is the term he used.

20 That's what I meant by escalation. The  
21 deescalation, for example, I would have liked  
22 to pull the patrols off of Springfield and  
23 Clinton Avenues probably a day ahead of time,  
24 the patrols on the street, pull them and for  
25 a while left the roving patrol, and then to

1 begin to open up the area.

2 Maybe that would be one of the last  
3 things, and then just keep like the State Police  
4 type of patrols that were going about the  
5 street.

6 Instead of taking everybody up at once and  
7 moving out, that's rather sudden and a shock  
8 just as much as putting a lot of people in  
9 there.

10 The point I wanted to emphasize is that  
11 I think Newark is doing it and I think maybe  
12 some other communities are doing it now but  
13 somebody should see that our municipal police  
14 are properly equipped to do the job they have  
15 got to do.

16 One of the first or continuous problems  
17 we had was cries for help for equipment, weapons,  
18 ammunition, all sorts of things, riotshelms,  
19 flack vests, bull horns. This allowed this rumor,  
20 if I might say, where everybody becomes concerned,  
21 all the surrounding communities and calling for  
22 help for things which they should have and can  
23 and one perfect example I think is the helmet.

24 Why anybody would want to put a G.I.  
25 steel helmet on a policeman is the last thing

1 in the world I can think of as having any  
2 practical application. A G.I. helmet is built  
3 for a lot of purposes. It is a bathtub, it is  
4 a washtub, it is everything. They are built  
5 to live with it for a long period of time and  
6 you have to learn to do it.

7 A riot helmet is a different type of  
8 a piece of equipment. These municipalities  
9 have just not spent the money to properly  
10 equip their police.

11 VICE CHAIRMAN BROWN: General, will your  
12 After Action Report document in terms of the  
13 supply requests so that this could be usefully  
14 furnished?

15 For example, I suppose there were indis-  
16 criminate requests that must have come to all  
17 kinds of offices. Were they ever channeled  
18 through any of our G-4 or S-4 people so that  
19 we have a list of what they want and have called  
20 for?

21 THE WITNESS: I think we have it, yes.

22 VICE CHAIRMAN BROWN: In other words, where  
23 they ask for how much, where they ask for the  
24 riot guns, whatever they ask for, so that these  
25 can be channeled properly.

1 THE WITNESS: I found no reasons get  
2 concerned about armored vests or flack  
3 vests, as they call them now, for our troops.  
4 I just didn't think this was really necessary.  
5 I ended up by being responsible for some --  
6 well, I think 75 and then 2½ dozen, whatever  
7 they add up to, of flack vests that I assumed  
8 responsibility for that the Army released from  
9 supply channels that were going on to Viet Nam  
10 to put in two or three municipalities, not in  
11 Newark. These were just people that are con-  
12 cerned.

13 Q VICE CHAIRMAN BROWN: They were used by  
14 the municipal authorities?

15 THE WITNESS: Police and fire. You get  
16 requests for bull horns, for example, the  
17 portable type thing, and the helmets, even  
18 carbines and ammunition. These municipal police  
19 should be equipped with the type equipment  
20 they need to do the job.

21 Q One of the important things is a riot  
22 helmet. A riot helmet is a different type of a  
23 helmet than a G.I. steel pot.

24 Q General, I wonder if you could give us an

25 approximation of the numbers of National Guardsmen that were



1 committed to Newark.

2 A Yes, sir. I just happen to have it. As a matter  
3 of fact, I will read it or I will even leave some facts with  
4 you if you want.

5 Q Fine. Could you leave the facts with us?

6 A Yes.

7 Q I wonder if you could put in the record the number  
8 of units, where they came from and leave that breakdown in  
9 the record as an exhibit.

10 A All right. Where they came from is what I was  
11 trying to see if I could get quickly here. The first day  
12 my initial commitment was six battalions.

13 Q How many men would that be?

14 A 3,464. On the second day I brought in three  
15 additional battalions, actually alerted the first day but  
16 committed the second day.

17 Q How many men?

18 A 4,736. The maximum number of troops that I had  
19 on duty at anyone time was 5,367. Now I can read these charts  
20 for you if you are interested in reading them or I will just  
21 file them with you.

22 Q I think you can just file them with the Commission.  
23 We can introduce them as an exhibit.

24 MR. JAFFE: Mark it C-22.

25 (Document marked Exhibit C-22 in evidence.)

1 A You can make this a part of it. They are really  
2 the same type of information. They are statistical facts.

3 Very briefly, I had 3,464 the first day, 4,736 the  
4 second day, 4,934 the third day and this was a maximum of  
5 5,367, at which time we started the deescalation and I brought  
6 in additional units.

7 There was an overlap here where some went off duty and  
8 others came on. That's when we continued to expect further  
9 trouble in Newark but at the same time covered Plainfield.

10 VICE CHAIRMAN BROWN: This was a total reserve  
11 really for both areas, wasn't it, that 5,367?

12 THE WITNESS: That's right. That's when we had  
13 both situations.

14 VICE CHAIRMAN BROWN: Now to answer Governor  
15 Driscoll's implied question, what reserve would  
16 you have had in the event other matters happened  
17 throughout the State of major importance, let's  
18 say Camden, Atlantic City and so forth?

19 THE WITNESS: The After Action Report has  
20 that. I have been very much concerned about all of  
21 this since the Detroit commitment of federal  
22 troops. It has been my analysis that we could have  
23 handled two Newark situations before we would  
24 have needed outside help.

25 VICE CHAIRMAN BROWN: Would that mean

1 Camden and Atlantic City in terms of numbers or  
2 locations?

3 THE WITNESS: Either one.

4 VICE CHAIRMAN BROWN: You could have handled  
5 Camden or Atlantic City but if you had Camden  
6 would you have needed help?

7 THE WITNESS: Let me read one sentence  
8 rather than read the paragraph.

9 "Criteria for selection of units was  
10 battalion strengths, mobility, location and  
11 retaining an available reserve of unmobilized  
12 Guard forces for employment in any of the several  
13 other potential trouble areas in the state."

14 This spells it out in the After Action  
15 Report. The troops that we ordered in, you might  
16 say why did we bring troops from as far south as  
17 Salem? We brought the troops in to handle the  
18 Newark situation so that we would not denude  
19 any part of the State of New Jersey if other  
20 difficulties developed.

21 So we did not denude it and we could have  
22 handled any situation, we felt, in any other part  
23 of the state initially and then brought in the  
24 remainder of what help we might need.

25 The maximum I had on duty, as I say, was

1 5,367. The Guard strength, Army Guard is 14,764,  
2 as I remember the odd number, and 2,500 Air  
3 Guard.

4 So my analysis has been with the Army that  
5 we could probably handle two situations such as  
6 Newark with our own assets before we would have  
7 to call for help.

8 VICE CHAIRMAN BROWN: I think the Commission  
9 might want to ask, do you also command the Air  
10 Guard?

11 THE WITNESS: I do.

12 VICE CHAIRMAN BROWN: So you add that to your  
13 14,700?

14 THE WITNESS: That's right. I did not  
15 visualize a great percentage of that 2,500 Guard  
16 troops being available for this type of duty.  
17 They aren't trained that way, although we are  
18 training them in the 32 hours of riot control, but  
19 I can't find in my own mind to believe that  
20 fighter pilots, young fighterpilots and airplane  
21 mechanics and a few more types like that might be  
22 too valuable to use in a disturbance in the street.  
23 So we are limiting our thinking on the Air  
24 Guard side for commitment of those to their air  
25 police, for example, which would be a good force

1 and other elements of the Air Guard which I  
2 would probably use in the support mission type  
3 operation where I would need manpower but probably  
4 not visualize committing them to the street.

5 I would say I would have a good 16,000  
6 strength to plan on for an operation if I needed  
7 it. I have discussed with the active people --

8 VICE CHAIRMAN BROWN: What does active  
9 people mean?

10 THE WITNESS: The active forces who are  
11 always concerned about do you visualize the  
12 request for federal forces, such a situation as  
13 developed in Detroit?

14 It would seem to me that if we hadan  
15 operation such as Newark and if something else  
16 broke out somewhere else I am not silly enough to  
17 think that we could with any assurance hope to  
18 be able to assure the boss -- and that's the  
19 Governor, in any case -- that we could handle  
20 more than that without help.

21 I think we would be boasting if this occurred.  
22 But if a third situation developed I would visualize  
23 asking for help of federal troops in that third  
24 situation. Not overlapping the two such as happened  
25 in Detroit, because once you get to the question



1 of commitment of federal troops, then is when you  
2 get into a real question of who commands what?  
3 That's the reason why in Detroit, as soon as  
4 federal troops were committed the simplest thing  
5 to do immediately was to federalize the National  
6 Guard of Michigan which is what they did and then  
7 they became federal troops.

8 VICE CHAIRMAN BROWN: Let's take this state,  
9 General, I think perhaps it is going too far but  
10 let's assume that the federal troops came in and  
11 you were the ranking officer, you would command  
12 the federal troops, would you not?

13 THE WITNESS: Not unless I was federalized.

14 VICE CHAIRMAN BROWN: If the Guard were  
15 federalized, if you were the ranking officer,  
16 which you probably would be, you would be in  
17 command?

18 THE WITNESS: That's right. I would be the  
19 commanding officer.

20 VICE CHAIRMAN BROWN: Is that a part of  
21 the projected plan?

22 THE WITNESS: Let me say that is what is  
23 visualized will happen at the time of a natural  
24 disaster such as an atomic drop or something  
25 like that.

1 VICE CHAIRMAN BROWN: The reason I asked the  
2 question was this: As of now the command actually  
3 is State Police with the National Guard as  
4 support?

5 THE WITNESS: Direct support.

6 VICE CHAIRMAN BROWN: Right.

7 Now if federal troops were called in and  
8 you were federalized, you would then command the  
9 federalized National Guard, the federal troops and  
10 what would happen to the State Police role at that  
11 point?

12 THE WITNESS: Well, then you would have to  
13 go back to what your concept is. General  
14 Throckmorton, who commanded the federal troops in  
15 Detroit, says in his After Action Report that  
16 it is his recommendation that the senior military  
17 commander should command all law enforcement  
18 facilities. That includes all police departments  
19 and the fire departments and I have looked at him  
20 and said "Johnny, you couldn't be any more wrong  
21 in your recommendation. You are naïve and don't  
22 know the method of the operation of this govern-  
23 ment of which you and I are a part."

24 VICE CHAIRMAN BROWN: Well, does anybody know  
25 in terms of experience whether that would happen

1 or whether that is a common view?

2 For example, if that happened tomorrow what  
3 would happen?

4 THE WITNESS: It is a soldier's view, I  
5 would say, but it is wrong.

6 VICE CHAIRMAN B ROWN: What then happens to  
7 the courts?

8 THE WITNESS: I'm agreeing with you. I say  
9 it is wrong. This should not be. A man that makes  
10 that recommendation is completely naïve in the  
11 operation of this government of ours.

12 In my opinion, and our concept is that this  
13 type of a thing is a police action. It is not a  
14 military action. It is a police action and it is  
15 civil authority and should remain so.

16 Now when municipal authorities are in  
17 trouble beyond their assets they call for help and  
18 the first agency that moves in is the State Police  
19 which is still civil authority. Our concept is  
20 that if the Guard is committed it is committed  
21 in support of the State Police, which is still  
22 civil authority and should remain so.

23 That is the reason why, in my opinion, is  
24 it so important that we move in in support of  
25 the State Police. This is still civil authority.

1 There is no question there. We are merely adding  
2 muscle to the State Police. It is unimportant  
3 to me who commands what, unimportant.

4 VICE CHAIRMAN BROWN: Doesn't this relate  
5 to control if the State Police make decisions?

6 MR. GIBBONS: I have a question.

7 Is General Throckmorton's After Action  
8 Report available? Could the Commission get a  
9 copy of it?

10 THE WITNESS: I don't know. I can't answer  
11 that.

12 VICE CHAIRMAN BROWN: I think we could make  
13 the request.

14 THE WITNESS: I don't know whether they put  
15 any classification in it or not.

16 VICE CHAIRMAN BROWN: Is your After Action  
17 Report classified in terms of the records of the  
18 Commission? I asked Mr. Jaffe on the side if you  
19 were going to give that to us and he said Yes.

20 THE WITNESS: I have given it to you already.

21 VICE CHAIRMAN BROWN: Now about publication of  
22 that, as you know, I think you are aware that the  
23 records of this Commission of these hearings will  
24 be available openly.

25 THE WITNESS: I have no concern about it.

1 I have not classified it. My After Action Report  
2 is to the Chief of the National Guard Bureau  
3 officially but I have been placed no classifi-  
4 cation upon it.

5 VICE CHAIRMAN BROWN: Mr. Gibbons has another  
6 question.

7 MR. GIBBONS: Along the lines that you were  
8 just discussing about the role of troops being  
9 merely auxilliary to the civil authority, do  
10 you know, General, how that was handled in the  
11 instances where federal forces were committed in  
12 aid of the United States Marshals? Did they  
13 remain under the control of the marshals in the  
14 district or did it become a military operation?

15 THE WITNESS: It became a military operation,  
16 I am reasonably sure. This is off the top of my  
17 head. It became a military operation but it was  
18 for a specific purpose.

19 At the same time, if you remember, which we  
20 all thought was a mistake, they federalized the  
21 National Guard in those states but they did it  
22 to deny the use of the National Guard to the  
23 Governor of that state, which was a mistake.

24 Certainly, in my opinion, it was a lack of  
25 faith. This was in Arkansas and Alabama, as you



1 know. The only reason they mobilized the Guard  
2 or federalized the Guard in those cases was to  
3 deny the use of it to the Governor. They had the  
4 fear that the Governor would use it in another  
5 way.

6 MR. DRISCOLL: As a matter of fact, he did.  
7 It was. You had a situation where the National  
8 Guard for a short period of time was preventing  
9 certain people from going to school and preventing  
10 disturbances. Then when they federalized the  
11 National Guard their role was reversed.

12 VICE CHAIRMAN BROWN: That was in Little Rock?

13 MR. DRISCOLL: Yes.

14 THE WITNESS: This is Alabama.

15 VICE CHAIRMAN BROWN: I think he is referring  
16 to the Little Rock take-over of command as opposed  
17 to your talking about the Mississippi situation.

18 THE WITNESS: I never believed that they were  
19 used to prevent their entrance into the school.  
20 They were used for disturbances.

21 VICE CHAIRMAN BROWN: There was a point in  
22 Little Rock when they did.

23 MR. GIBBONS: There is a method of control-  
24 ling the disturbance to prevent the execution of  
25 the federal order.

1 THE WITNESS: That was a case, of course,  
2 where the adjutant general today and tomorrow,  
3 he is the man that went up to the Governor and  
4 said "Governor, you must step aside.", is that  
5 right?

6 MR. DRISCOLL: That's right. That was  
7 another case. That was in Alabama. That was where  
8 he had to say to his boss of yesterday to step  
9 aside, which was a difficult thing to do.

10 What is the average age of your Guardsmen?

11 THE WITNESS: Twenty-four. Now the reason I  
12 can answer that so definitely, Governor, I was  
13 at Plainfield when I heard this panel of two or  
14 three newspapermen and they were talking about the  
15 young National Guardsmen, understandably why thus  
16 and so I was beginning to think this can't be  
17 so.

18 So I called in to Trenton and said get the  
19 personnel people as quickly as you can, without  
20 making it too big a chore, and come up with the  
21 average age of the enlisted Guardsman in the  
22 National Guard and it develops to be 24 years of  
23 age, so they are not young.

24 VICE CHAIRMAN BROWN: Is it acceptable to  
25 the members of the Commission that there will be

1 no questions of the General?

2 It seems to be acceptable.

3 Q General, I would like to know the structure of  
4 command under you at Newark and the people who headed it.

5 A My headquarters was the command headquarters.  
6 My headquarters being the Department of Defense. I brought  
7 to duty as you will read in the After Action Report three  
8 brigade headquarters. The capsule units that were used to  
9 form the task forces were battalion level.

10 Does that answer your question?

11 Q Yes.

12 Who were the people in charge with you at Newark at  
13 the Command Headquarters? Was there a group right under you?

14 A Yes, there was.

15 Q I would just like the names of those people.

16 A All right. My Operations Officer is Colonel Sharp.  
17 How far down do you want me to go?

18 Q Just that first level under you. The reason for it  
19 is that we would like to talk to these people and I just  
20 want to have in the record their names.

21 A Colonel Sharp was my Operations Officer.

22 Q Are these names in the After Action Report?

23 A Yes.

24 Q If they are in there that's fine.

25 A He worked then by task forces on the street.

1 three brigade headquarters. Again that is spelled out in  
2 here, not by name of the brigade commanders, however. They  
3 can be provided without any trouble.

4 Q Could you tell us what provisions were made in  
5 Newark for service to the people in the area, food, public  
6 information, this type of ancillary services, if any?

7 A Yes. Developing at our joint command post -- and  
8 by joint command post I mean State Police and ourselves --  
9 upon the Governor arriving at our command post this created  
10 a rather crowded situation because wherever the Governor was,  
11 surrounding him came the rather sizable group including the  
12 Mayor and representatives of the city, the representatives  
13 of agencies of the state and with that, other political  
14 entities, congressmen, boards of freeholders, people of that  
15 sort, as well as the social agencies.

16 This developed a rather sizable political sociological  
17 group that was superimposed upon us at our command post.  
18 This created some problems for us, who were involved into  
19 the operation of the disturbance on the street because  
20 following this group came the news media, including television  
21 stations with their trucks and their speakers and all that  
22 sort of thing.

23 Therefore, your public relations feature developed  
24 about this group and rather left the fighting element, if  
25 that is the proper term -- at least the law enforcement group--



1 outside the sphere really of public relations.

2 Q Did you provide any function in terms of food to  
3 the population?

4 A I was just straightening out the public  
5 relations.

6 Q I realize that.

7 A Then as a result of these agencies that entered  
8 the picture, really, in my opinion, not involving the sub-  
9 ducing of the disturbance were those who became concerned  
10 about the ability to get food into the people in the area  
11 that was now closed off, the feeding of people and things of  
12 that sort, so that then they came to myself asking for  
13 assistance in picking the food up, transporting the food  
14 into the area and to distribution points picked by the social  
15 agencies and this became a reasonably sizable chore that we  
16 performed.

17 We picked food up from all sorts of locations, including  
18 the Jersey City waterfront and things of that sort, brought  
19 them into a central location which was the Martland Hospital  
20 for breakdown and I might say that during this operation  
21 there was a considerable amount of sniper fire, believe it  
22 or not, from the Martland Hospital among other places, a  
23 considerable amount of sniper fire.

24 The food was broken down there by a combination of  
25 people assisted by our people and then we ran it in to these



1 pre-arranged distribution points, again in some cases with  
2 sniper fire.

3 We were really an agency or we were assisting the  
4 agencies that were working on the food distribution,  
5 acquisition and what-not. We did not do that except to  
6 become the project agency doing it.

7 Q General, there has been testimony before this  
8 Commission that on Sunday morning the Governor received  
9 various allegations from the community of local police,  
10 State Police and National Guard misconduct, particularly  
11 firing into store windows and other acts.

12 A Yes.

13 Q There has also been testimony that the Governor  
14 stated that the National Guard and State Police would look  
15 into this.

16 Has the National Guard looked into this and could you  
17 tell us about that?

18 A I was inclined to think it was before Sunday but  
19 the timing is unimportant. Yes, there was, at which time the  
20 Governor, about a table such as this, asked if we both had  
21 agencies to do this and it was so and the State Police put  
22 their people on it and I put our inspector general on it.

23 Q What is his name?

24 A Excuse me. That was Colonel Charles McLean. He  
25 picked up and ran down every complaint that could be involved.

1 He is subject to appear here if you want him.

2 Q Has Colonel McLean filed a report on those  
3 allegations?

4 A I'm sure he has them, yes.

5 Q He has them?

6 A Yes.

7 Q Could the Commission have access to that report?

8 A There will be a series of reports I'm sure.

9 Q May we have access to them?

10 A Yes, if you don't want to call him.

11 Q We are going to call him?

12 A Can I tell him to be prepared?

13 Q Yes.

14 A I might say that he clears them in all cases.

15 MR. GIBBONS: Did he blame anybody else?

16 THE WITNESS: No. I hope not. One thing  
17 I might say, which will come out I am sure when  
18 you are discussing it with him, the National  
19 Guard do not have any shotguns. A great deal of  
20 this damage you are talking about was from shot-  
21 guns.

22 Q One opinion question.

23 Do you feel that the presence of more Negro troops in  
24 the New Jersey National Guard would make a significant dif-  
25 ference in the mission assigned to the Guard?

1 A I am going on television at 1 o'clock on this  
2 subject.

3 VICE CHAIRMAN BROWN: Today?

4 THE WITNESS: Yes. It is a Huntley-Brinkley  
5 thing that they are building up.

6 VICE CHAIRMAN BROWN: Will it be available  
7 to the public today?

8 THE WITNESS: No. It is being taped today.  
9 That is set up at the Roseville Armory where our  
10 CP was. This is apparently something they are  
11 doing on the subject and I am supposed to be up  
12 there at one o'clock. I must say that I found no  
13 reason to believe that it would be any better  
14 or any worse.

15 I just have found no reason to have an  
16 opinion on it. We had Negroes, both officers and  
17 men, involved in the operation. We didn't give  
18 much thought to it making any difference either  
19 way.

20 I did have officers and men involved with  
21 the troops on the street. I honestly don't have  
22 any opinion one way or the other.

23 As you are probably aware, as a result of  
24 some criticism, not of us but of others --

25 General Throckmorton, incidentally, in his report

1 says that it is effective. He says it is. He  
2 says you get a better rapport with the people  
3 involved and the assumption is that there are  
4 Negroes involved, I suppose.

5 We found that in general the people around  
6 the perimeter were getting good public relations,  
7 if that is it, treatment from the people. They  
8 were bringing coffee and so on to the people on  
9 the posts around the perimeter.

10 As a result of this, as you know, I made  
11 a recommendation which has been going through  
12 channels and which we in New Jersey as a pilot  
13 state have authority to increase our strength by  
14 five percent with an effort towards improving  
15 this image and we are in the process of trying  
16 to do that now.

17 That's what the Huntley-Brinkley people want  
18 to do on.

19 VICE CHAIRMAN BROWN: I think the five per-  
20 cent works out to about 800?

21 THE WITNESS: Yes. Initially in my telegram  
22 to the Secretary of the Army I asked for authority  
23 for 500 spaces. They came back and authorized  
24 five percent. I guess they would rather talk  
25 about vague figures like five percent. If you take



1 5 percent of the 14,700 and of the 2,500 you  
2 are somewhere up about 850, if you total 5  
3 percent of the two forces.

4 We are trying very hard to increase that  
5 percentage. I don't know what my report is this  
6 morning because we get them on Friday weekly.

7 It will be ready for me when I leave here but as  
8 of last week I had 190 on board, additional on  
9 board, and some 142 in process. It is moving but  
10 it is moving slowly.

11 I honestly don't have a strong opinion as to  
12 whether it would make any difference one way or  
13 the other in an operation.

14 Q General, could you estimate how many people par-  
15 ticipated in the Newark riots? Has the National Guard made  
16 any such estimation?

17 A No. As I say, the real blow happened before we  
18 went in.

19 Q I realize that. I wonder if you could just sketch  
20 for us in a narrative the role of the National Guard in  
21 Plainfield.

22 A Yes. During the Newark operation this incident at  
23 Plainfield developed. As I understand it, Plainfield was  
24 involved in some sort of an arrangement with other munici-  
25 palities on a regional support basis. The State Police were



1 committed in Plainfield before we were. I am not just sure  
2 what their arrangements were up there but eventually we were  
3 asked for some assistance and we moved up or I moved my  
4 military police out of Newark into Plainfield and we assumed  
5 the mission of closing in again a perimeter. We took over that  
6 mission of closing the perimeter.

7 As I understand it, the Plainfield Police supported by  
8 this regional arrangement were in the actual area themselves.  
9 We were not. We closed the perimeter. Then there was the  
10 question of the stolen weapons, some 46, and the ammunition  
11 was stolen from the Middlesex Gun Company or whatever it was.

12 In the evening we were told that there was some arrange-  
13 ment to release a group of people that had been arrested and  
14 that as a result of that someone was going to bring out the  
15 weapons that were inside.

16 In anticipation of this faith not being kept, there  
17 was a planned search for the next day.

18 Q What was the role of the National Guard in that  
19 plan?

20 A These were search parties, joint search parties  
21 made up to move in on a saturated search of the area at noon  
22 the next day or two o'clock the next day if the commitment was  
23 not kept at noon. I was not involved in this. I am repeating  
24 it second-hand, except for having troops committed. They did  
25 not bring out the weapons and at two o'clock our units moved

1 out in anticipation of moving in for this saturated search.  
2 This search was stopped at the perimeter, as you are probably  
3 aware.

4 Some time later there was an arrangement made to send  
5 certain picked teams in to search certain -- and as I  
6 remember it was 26 or 27 points that had been pinpointed --  
7 and they did move in on that search. These were made up of  
8 policemen and National Guardsmen. The original plan was that  
9 the Guardsmen were to secure the area while the police went  
10 in and made the search.

11 Q Was the role of the National Guard in the search  
12 an ancillary role? Was it just supportive of the State  
13 Police?

14 A Yes.

15 Q It was not involved in the basic decision-making  
16 as to whether the search would take place or not?

17 A That is correct. It was not.

18 Q Did you consult with the Governor or the Attorney  
19 General on that?

20 A No, sir. As a matter of fact, I sent a commander  
21 up or a liaison officer up to Plainfield to be my liaison up  
22 at the headquarters with the few troops that I had committed.  
23 We were making no decisions actually.

24 MR. JAFFE: That is all.

25 MR. LOFTON: For the record, back when the

1 General was talking about the food supplies being  
2 transported to the Central Martland Center, I  
3 think inadvertently and the General may want to  
4 clear this up, he said that there was considerable  
5 sniper fire from Martland.

6 VICE CHAIRMAN BROWN: It wasn't inadvertent.  
7 That's what he said.

8 THE WITNESS: At Martland Hospital, at the  
9 breakdown point.

10 VICE CHAIRMAN BROWN: Would the implication  
11 be that this came from Martland?

12 THE WITNESS: No, because the breakdown point  
13 was in the hospital so the sniper fire undoubtedly  
14 came from the surrounding area.

15 VICE CHAIRMAN BROWN: General, as I recall,  
16 you said that in your opinion when the Guard moved  
17 in on Friday morning that the major thrust of the  
18 riot had already passed and you expressed an  
19 opinion, a tentative opinion, that the people  
20 who were looting and whom you saw in the stores  
21 and on the streets appeared to be those taking  
22 advantage of the situation.

23 THE WITNESS: I said I questioned whether or  
24 not they were the same people. I really had no  
25 way of knowing whether they were.

1 VICE CHAIRMAN BROWN: Do you feel that the  
2 prime movers had already struck and moved out of  
3 does that imply, A, that there is any information  
4 or suggestion that there was a group which moved  
5 in, struck and then moved away or that, B, the  
6 people who struck in terms of the riot which  
7 you said was almost practically over and still  
8 remained in the area --

9 MR. DRISCOLL: The witness has no direct  
10 knowledge on this. This is hearsay.

11 VICE CHAIRMAN BROWN: I asked if he has  
12 any idea about it. He certainly may have an  
13 opinion on it.

14 Could you give us any impression of that?

15 THE WITNESS: It would only be an opinion.

16 VICE CHAIRMAN BROWN: Give us an opinion.  
17 Give us what guidance you can.

18 THE WITNESS: It is my opinion that the  
19 agitators hit and moved but that's only an opinion.  
20 I cannot believe that this stuff is as instantan-  
21 eous and so on as other people think it is.

22 VICE CHAIRMAN BROWN: This is the next  
23 question which relates to your After Action  
24 experience with other cities and elsewhere.

25 Have you any impression or any feeling that



1 these people hit and moved and moved to another  
 2 physical area, either outside the city or to other  
 3 portions of the city without knowing where?

4 THE WITNESS: I have no way of knowing.

5 MR. JAFFE: That is all, gentlemen, unless  
 6 you have some equally cogent questions.

7 Thank you very much, General.

11 **ESTA WILLIAMS, Sucken.**

12 VICE CHAIRMAN BROWN: Mrs. Williams,  
 13 we are trying to keep to your schedule and we  
 14 want to apologize for keeping you beyond your time  
 15 but I think you understand that sometimes the  
 16 testimony is extended because either the  
 17 witness has something else to add or the Commission.

18 **EXAMINATION BY MR. FORTUNATO:**

19 Q Will you give us your address for the record,  
 20 please?

21 A I live at 9-17th Avenue, Apartment 3-E. That's in  
 22 Hayes Homes.

23 Q In Newark?

24 A Yes.

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