

1 DONALD MALAFRONTI, having been previously  
2 sworn, testified further as follows:

3 EXAMINATION BY MR. ROBINSON:

4 Q You had been testifying before we adjourned at  
5 our last meeting about what the administration regarded as  
6 the contributing factors toward the growing racial unrest  
7 beginning some time in the middle of 1966.

8 I wonder if you could sum that up for us.

9 A Very quickly, we were talking about the election  
10 frustrations and politics in general. We talked about the  
11 chaos at the anti-poverty agency which resulted in the  
12 suspension of their director and argument about who would  
13 replace or who would be the new president.

14 We talked about the medical school. We talked about  
15 the secretary of the board of education. Mr. Gibbons and  
16 Mr. Lofton and I finally came to agreement that it was in  
17 fact a political post although I still contend that that was  
18 not the way it was fought in public.

19 I think we touched also on the fight in East Orange  
20 as a possible other factor, bearing in mind all of these  
21 may have been minor or somewhat clearly major factors, others  
22 may have been minor.

23 We talked also about the particular issue in Clinton  
24 Hill Meat Market, picketing.

25 I think if I had to add anything else very quickly,

1 before we got to the point of the riot, I am sure your  
2 staff will run it down, it would be some animosity or overt  
3 animosity between the administration and the U.C.C., the  
4 anti-poverty agency, over two other issues.

5 P.A.L. That was the senior citizens program which was an  
6 essentially city government program and the Mayor felt  
7 that the action of the agency had been unreasonable in  
8 cutting the program from \$600,000 last year to \$200,000 this  
9 year, which resulted in letting go of 200 senior citizens  
10 and hiring some 15 staff people with the money which was  
11 saved being set aside in a fund to essentially the  
12 militant area boards.

13 which As it later turned out those funds were lost entirely  
14 in terms of the federal government for the failure to submit  
15 the program.

16 That was one thing which made an overt split between  
17 the Mayor and the U.C.C. I don't think the Mayor had ever  
18 been really overt about his opposition to some of the  
19 things they had done until the senior citizens problem  
20 developed.

21 I think also in the last week since we came up with  
22 the summer, there was a sharp dispute over the summer  
23 block, summer play street program, which had originally been  
24 conceived in the Mayor's office three summers ago and  
25 submitted through the U.C.C. as the P.A.L., Police Athletic

1 League program.

2 The second year after a fight the United Community  
3 Corporation and the P.A.L. shared sponsorship over it, the  
4 U.C.C. attempted to have the program transferred out of the  
5 P.A.L.

6 This summer too the same very sharp fight developed  
7 with an effort to take the program outside the Police  
8 Athletic League and another compromise was finally arranged.  
9 In fact, I think the program was funded the day before  
10 the riot finally. The funds arrived in Newark the day  
11 before the riot.

12 The third and last thing I would touch on is something  
13 which would bear some staff investigation and was something  
14 which never reached the public but which was quite sharp  
15 among leadership at the poverty agency and several other  
16 agencies in town.

17 That was an argument over a new employment program  
18 called CEP or Concentrated Employment Program, which  
19 earlier in the year the Labor Department and others who  
20 were worried about particular cities, 19 of them, found  
21 money in the budget, put together a big program and offered  
22 it to 19 cities which they apparently felt were riot-prone.  
23 Newark was one of those cities selected.

24 There was a \$4½ million allotment to Newark for kind  
25 of a neighborhood manpower program with neighborhood centers

1 and things of that sort.

2 There was a quite sharp battle over who would sponsor  
3 that program, which is now in operation under the joint  
4 sponsorship of the office of the Mayor and the anti-poverty  
5 agency.

6 As a result of that quite sharp fight, this coalition  
7 or conglomeration which we began to touch on last time got  
8 a few more added pieces. Several persons, most particularly  
9 a fellow named Walter Dawkins, who is executive director,  
10 I guess you would call him of Blasens Youth Council, which  
11 is one of the anti-poverty sub-agencies in Newark and quite  
12 a vocal grassroots type of guy, he felt he was being  
13 treated unfairly all around and as a result, he and several  
14 other persons like him were added to the conglomeration  
15 of persons who were adding to the very high levels of  
16 aggression that were obvious in the city just before the  
17 riot.

18 VICE CHAIRMAN BROWN: Was Dawkins declaring  
19 a plague on both houses, both the City Hall  
20 group and U.C.C.?

21 THE WITNESS: Yes. That was his  
22 position. By the U.C.C. meaning the then  
23 leadership of the U.C.C.?

24 VICE CHAIRMAN BROWN: Yes. That's what  
25 I understand that to mean. So that Dawkins

1 in a sense was a split-off into what you would  
2 call this conglomeration?

3 THE WITNESS: Yes, who were coming  
4 together and were beginning to play, we felt,  
5 a really undue amount of influence at that  
6 particular point in time, at the time we are  
7 talking about.

8 VICE CHAIRMAN BROWN: Colonel Hussein and  
9 a few others, would they be in that category?

10 THE WITNESS: More in the category of  
11 Earl Harris, Eulis Ward, that type.

12 VICE CHAIRMAN BROWN: Wheeler and so  
13 forth?

14 THE WITNESS: Yes.

15 VICE CHAIRMAN BROWN: Just one last  
16 question.

17 This program was sponsored by labor  
18 unions?

19 THE WITNESS: No. The Labor Department  
20 and the O.E.O.

21 VICE CHAIRMAN BROWN: This was federal  
22 money?

23 THE WITNESS: Yes.

24 VICE CHAIRMAN BROWN: This was the Labor  
25 Department?

1 relationships THE WITNESS: Yes.

2 poverty program VICE CHAIRMAN BROWN: The concept of it was  
3 fighting concentrated employment program?

4 THE WITNESS: That's the national aim for  
5 it.

6 Locally in Newark it is now called TEAM,  
7 to indicate the teamwork which finally resulted.

8 VICE CHAIRMAN BROWN: Finally you say it  
9 did come together?

10 THE WITNESS: As TEAM, yes.

11 It was a rather difficult fight.

12 VICE CHAIRMAN BROWN: The Blazer program,  
13 was that a part of U.C.C.?

14 THE WITNESS: Yes.

15 Q Before we get into the riots themselves, now  
16 you have told us quite a bit about the growing controversies  
17 between U.C.C. and the administration.

18 Could you give us the administration's views on how  
19 these public controversies affected the mood of the  
20 community and more specifically, the Negro community? in  
21 the months preceding the riots?

22 A I have been in this rather awkward position  
of attempting to suggest to you what we sensed about the  
community, which may be difficult to pin.

I feel that the relationships are deteriorating

1 relationships between the administration and the anti-  
2 poverty agency as well as the very difficult internal  
3 fighting.

4 It was not all a matter of administration versus anti-  
5 poverty agency. There were many diverse groups within the  
6 agency itself tearing it apart. All of those were well  
7 covered in the press.

8 VICE CHAIRMAN BROWN: By agency you mean  
9 the U.C.C.?

10 THE WITNESS: Yes. All of those were  
11 well covered in the press. I think that the  
12 agency had had some success, some very good  
13 success in its early days of identifying itself  
14 with the poor and with the black and with the  
15 needy in general in Newark.

16 I don't know whether people were being  
17 helped but certainly many people understood it  
18 to be an agency which was essentially for the  
19 underprivileged and to see it in chaos, to  
20 see so much bitterness raging over it and to see  
21 it so well publicized, we think added to the  
22 uneasiness or shifting nature or the despair  
23 which must have been felt.

24 I think also we have to start to consider  
25 the national moods and national concerns. I don't

1 know that the U.C.C. oversold itself or the  
2 city government or anybody else, but certainly  
3 the anti-poverty program in general was oversold.

4 A great deal of publicity nationally with  
5 very little delivery. For instance, if the U.C.C.  
6 had never ever tried to publicize itself -- and  
7 I don't think it ever did really work very hard  
8 at public relations or public information -- I  
9 think the poor of Newark nevertheless would have  
10 been exposed nightly and daily to the promise  
11 of the poverty program and the failure to  
12 deliver.

13 I think as a background of the problem in  
14 Newark we have to accept the fact nationally  
15 that we were in a situation where much had been  
16 promised in the last few years and to the average  
17 guy in the ghetto, there seemed to be very little  
18 delivery.

19 If the U.C.C. was a smooth-working and  
20 totally supported agency, still with the money  
available to it it could not have begun to do the  
job that was necessary in the city and I think  
when you have promised ten persons you are going  
to help them and you reach two, that leaves  
eight frustrated persons. I am afraid that the



1 was feeling national trends, national moods, national sales  
2 it was. pitches for poverty programs and for progress  
3 and so forth is a very important part of Newark's  
4 story.

5 You know, television is something which  
6 you need to consider as in the mood of the  
7 nation now. A Negro who is living in Newark,  
8 for instance, or any Northern city must sit at  
9 that set and view a Southern bigot battering  
10 away at someone doing a civil rights march down  
11 in Alabama and he watches as the camera comes  
12 in close to a Southern housewife who is  
13 screaming "We will kill them niggers, let us  
14 at those niggers" and I wonder when he shuts off  
15 the set, whether he is able to approach it  
16 objectively and say "Well, that is a Southern  
17 bigot in Alabama" or whether or not that doesn't  
18 confirm his fears that he is in a racist society  
19 and that all whites -- or that she is speaking  
20 for all whites, in the North or South or  
1 wherever.

2 Q Was there a feeling in the Negro community in  
3 the last months preceding the riots that the administration  
4 was against U.C.C. and was fighting U.C.C.?

5 A I can't testify to what the Negro community

1 was feeling. I can only testify to what our perception of  
2 it was.

3 Q All right, we will take that.

4 A My answer to that would be yes.

5 Q Realizing that, did the administration attempt  
6 to counter it in any way?

7 A Well, we were in a difficult situation with the  
8 medical school thing. We were attempting to tell our  
9 relocation story. We did try to work with Newark Legal  
10 Services on the relocation plans and programs.

11 We did begin to take part in United Community  
12 Corporation affairs to insure that Timothy Still was elected  
13 president as opposed to the militant's choice and we did  
14 muffle the argument over TEAM as best we could and come to  
15 a compromise agreement.

16 We did the same thing with several other issues. Yes,  
17 we did try to tamp down and come to some sort of cooperative  
18 agreements on a number of matters.

19 Q With U.C.C.?

20 A Yes. The fact is on July 1 we had concluded  
1 the medical school hearings. Wilbur Parker Callaghan issue  
2 had been resolved by the secretary of the board deciding to  
3 continue in office.

4 Almost all of the little problems which I have dis-  
5 cussed here in regard to particular programs had been

1 resolved.

2 Timothy Still was the new president of the United  
3 Community Corporation. Mr. Wolf had been reinstated as  
4 director and on July 1 the block program had been approved  
5 and was supposed to begin the next day.

6 The Manpower Program had been approved and was supposed  
7 to begin the next day. I felt secure enough that week and  
8 very confident on July 1.

9 Q And indeed you started your vacation then?

10 A That's right. I took my first vacation in  
11 three years.

12 Q The perception of the administration was that  
13 on July 1 things were really relatively cool then?

14 A I wouldn't say we felt it was relatively cool.  
15 I would say we thought we had defused most of the obvious  
16 issues at that point.

17 Q Now we had touched on but you promised to expand  
18 on it later this area: Was there not a substantial tax  
19 increase at the beginning of the administration in mid-1966  
20 that you felt might have caused some unrest?

1 A I just think that some confusion and some anger  
2 in the community and some loss of support and loss of  
3 ability for the city government to maneuver in a difficult  
4 situation came about and I think that's important, yes.

5 Q What was that tax increase?

1           A        After two successive years of decrease there  
2 was a 30% increase in taxes.

3           Q        Thirty percent?

4           A        Yes, which resulted in a movement largely of  
5 homeowners and others to get what has become almost a  
6 cliché, I guess, which is a change of government movement.  
7 So in January, prior to any of the racial stirrings, there  
8 was a move to change the government which was essentially  
9 designed to oust the Mayor.

10          Q        January of 1967?

11          A        Yes.

12          Q        Along with the tax increase --

13          A        What I have tried to describe here is how in  
14 my opinion the city government's ability to maneuver and to  
15 pick up middle ground support was being increasingly  
16 whittle down as we came down to the summer.

17                I think many homeowners were very upset by the tax  
18 increase as well they might be. The taxes are confiscatory.

19                MR. MEYNER: When the tax bills go up?

20                THE WITNESS: Yes. The first round went  
21 out earlier, in May and June.

22                MR. MEYNER: I think the payments are due  
23 April 1966 July 15, aren't they?

24                THE WITNESS: Yes, but the bills go out  
25 earlier.

1 Q MR. MEYNER: They strike the rate and it  
2 is final about June, isn't it?

3 THE WITNESS: The rate was known in Newark  
4 including in January and February.

5 A Yes. MR. MEYNER: But people never realize it  
6 until they get the bill, right?

7 THE WITNESS: They realized it enough to  
8 get a movement started to change the form of  
9 government.

10 I believe they were aware of what it was  
11 going to be. It was widely advertised through  
12 the winter.

13 Q Now along with the tax increase did the  
14 administration through --

15 A Excuse me. What I am trying to suggest is that  
16 when confronted by a movement among your homeowners to change  
17 your form of government who are really hurt by a rate like that,  
18 you need to pay a good deal of attention to that particular  
19 problem and you need to go slow, for instance, in areas of  
20 spending and in general it begins to tie your hands in very  
21 important areas.

2 Q Did the administration also at some time between  
3 April 1966 and April 1967 through the council vote sub-  
4 stantial increases for salaries to city officials?

5 A I think in November.

1 Q November of 1966?

2 A Yes.

3 Q Were those increases inclusive of top officials,  
4 including the Mayor?

5 A Yes. There was a four or five hundred dollar  
6 across the board -- \$400 the first year and \$200 the second  
7 year -- pay increase for all city employees, which was the  
8 first pay increase in four years and there were substantial  
9 increases for nine members of the City Council and the Mayor  
10 himself.

11 Q In your perception of the mood of the community  
12 does it include this as a factor causing unrest, the  
13 substantial increases for the Mayor and the councilmen?

14 A To be honest I think when the Mayor and Council  
15 receive raises in a year that there is a thirty percent  
16 increase in taxes, that those increases are inclined to be  
17 used as symbols of discontent, yes.

18 Q What were the increases for the councilmen  
19 and the Mayor, approximately?

20 A I am not sure of where the councilmen went.  
1 I think they had gone up to about \$15,000.

2 Q It went to \$15,000 from what?

3 A I think it was \$10,000. I am not certain as  
4 to where they went but it was a substantial increase, plus  
5 the addition of a \$6,000 a year assistant to each councilman.

1 The Mayor went from \$25,000 to \$35,000.

2 Q Was there evidence other than your perception  
3 of the mood that this was an irritant? Was it brought up  
4 at public meetings?

5 A Well, I think anyone who has been in public  
6 office understands that a raise for high public officials  
7 is going to be a problem. I may say that in the Mayor's  
8 defense we were determined to get ahead of our anti-poverty  
9 community action director.

10 MR. MEYNER: What did he get?

11 THE WITNESS: He was getting about  
12 \$23,500 at that time, if I recall.

13 Q Now have you told us all of the measures that  
14 you can recall now that the administration took in the last  
15 months to counter the growing discontent that it felt was  
16 happening in the Negro community?

17 A Well, the determination was to try to close down  
18 as many controversial issues as possible as quickly as  
19 possible.

20 Q Other than closing down were there any affirma-  
21 tive steps taken?

22 A Well, we think that the \$4½ million employment  
23 program was a major project for us. That is the single  
24 biggest program grant ever made in New Jersey, so it was  
25 going to be a big chunk of money to be swallowed and we

1 determined to use as many different agencies as possible  
2 in the program to insure that a lot of people had a vested  
3 interest in it.

4 Q Any other affirmative steps?

5 A We did move to a second play street program again  
6 through the Labor Department and exclusively the province  
7 of the Police Athletic League and we had launched and were  
8 concluding in fact a Police Community Relations Program, a  
9 \$100,000 grant from the Justice Department.

10 I am sure Director Spina will tell you about that.

11 Q That was under Director Spina?

12 A The Human Rights Commission.

13 Q Mr. Threatt?

14 A Yes.

15 Q Now before we get to the riots themselves, had  
16 the administration, that is, the City Hall end of it, been  
17 in communication at all with Director Spina's branch of the  
18 government to find out just how the situation was or how bad  
19 it was?

20 A Well, you are all aware of Director Spina's  
1 telegram:

2 Q I was leading up to that. I think you better  
3 tell us about that.

4 A I guess it was in May, during the medical school  
5 hearings, that Director Spina sent a telegram to Sargent



1 Shriver.

2 I am sure he will produce a copy of it for you. He  
3 suggested in it that funds were being misused to produce an  
4 anti-medical school reaction and I think his phrase was  
5 that if the O.E.O. did not intervene, the United Community  
6 Corporation was leading the city surely to riot and anarchy.

7 Q This was in May?

8 A Yes.

9 Q Now was the City Hall part of the administration  
10 aware of Director Spina's feelings at that time?

11 A You have asked whether we were aware of his  
12 feelings and the answer is yes, we were.

13 Q Did you get a copy of the telegram?

14 A We did not have a copy of the telegram, although  
15 we have determined that there are persons who believe that  
16 he mentioned the telegram to the Mayor but he did not  
17 produce its text so far as I know.

18 He did mention he was going to send a telegram com-  
19 plaining to Shriver. Some people do recall that, but he  
20 certainly never produced the text for us.

1 Q In the Spring of 1967 then the administration  
2 was aware that the police end was vastly alarmed at the  
3 possibility of a riot, correct?

4 A Director Spina has been very worried about  
5 certain elements in the community and when those elements

1 began to be active in the United Community Corporation, they  
2 had been very worried about the anti-poverty agency and its  
3 effect in Newark for a long time and I would say that goes  
4 back beyond this year.

5 Q Now in the Spring -- Colonel Hussein, Tom Hayden

6 VICE CHAIRMAN BROWN: Could I interrupt?

7 MR. ROBINSON: Yes, of course.

8 VICE CHAIRMAN BROWN: You talked about the  
9 fact that the administration assisted in having  
10 Still elected over the militant opponent. Could  
11 you tell us who that militant opponent was?

12 THE WITNESS: The choice of the nominating  
13 committee was Duke Moore. He was the Chairman

14 VICE CHAIRMAN BROWN: And again in the  
15 sense of the administration he was felt to be a  
16 militant spearhead or figurehead?

17 THE WITNESS: Yes.

18 MR. MEYNER: This is nominating for what?

19 THE WITNESS: President of the United  
20 Community Corporation.

21 He was the formal nomination. There was  
22 a sheet indicating the men who were supporting  
23 him that night presented and distributed. It  
24 included Colonel Hussein, Tom Hayden, Area  
25 Board 3 and Area Board 2. That is, the flyer

1 years back for his election that night said "Support Duke  
 2 riot training Moore for president of the United Community  
 3 Corporation" and then there was a list of  
 4 signers. It did include Colonel Hussein, Tom Hayden,  
 5 Area Boards and a number of others.

6  
 7 MR. LOFTON: For the purposes of the  
 8 record, could you tell us who are members of the  
 9 nominating committee?

10 THE WITNESS: To tell you the truth, I  
 11 don't really know. It was headed by Monsignor  
 12 Carey.

13 VICE CHAIRMAN BROWN: He was the Chairman,

14 I guess it would be?

15 THE WITNESS: That's right. It's the  
 16 Queen of Angels Church.

17 Q Now you have told us about steps the admini-  
 18 stration had taken to counter the mood.

19 Now what steps had the administration taken, if any,  
 20 to contain or control a riot directly? By that I mean what  
 21 police steps?

22 A We are now moving into an area where I think I  
 23 can only give you an overview and Director Spina would have  
 24 to talk to you in detail about.

25 There was some discussion or there has been for several

1 years much discussion about the proper police approach to  
2 riot training and riot equipment and so forth.

3 I think Director Spina will testify that generally he  
4 felt that riot training or to begin riot training or care  
5 for riot training or overt riot training would be psycho-  
6 logically damaging.

7 Newark had gone four years under great pressure with  
8 persons expected to riot every day without rioting. I think  
9 the Director was opposed to riot training. I think he has  
10 been on record a number of times as saying so, including  
11 just before the riot, in which he said he thought that would  
12 only stimulate the atmosphere or get people to think that  
13 way.

14 So he always felt that formal and announced public  
15 riot training would be damaging and it is a view which we  
16 supported.

17 Q You adopted it?

18 A Yes.

19 Q Now how about equipment preparation for a riot?  
20 Was there any ordering of any equipment or any discussion  
21 of it?

2 A There was after last summer a lot of discussion  
3 about it and again it was a matter of how to introduce  
4 obvious riot prevention equipment without a good deal of  
5 public interest. I think in the budget this year they began

1 to include some equipment which was clearly designed to  
2 handle a riot, although a lot of it was then cut out in  
3 budget hearings.

4 I think we began to beef up what might be considered  
5 riot equipment, shields, shotguns, last winter. Many  
6 policemen felt it was not sufficient.

7 Q Do you know whether at the time of the riots the  
8 police department was to any extent equipped for any sort of  
9 a riot?

10 A Yes. I think we felt we were equipped to handle  
11 a riot. Is your question bearing on the controversy which  
12 was just prior to the riot of Patrolman Kowalewski of the  
13 fraternal order of police?

14 Q Yes. If I may get into that, Patrolman Kowalewski  
15 who identified himself as the president of the fraternal  
16 order of police, Newark Lodge, testified in Washington after  
17 the riots that on June 18 -- that would be just about a month  
18 before the riots -- he wrote the following letter, and I  
19 will just read the introduction of it and ask you for your  
20 comment on it, and this was a letter to the Mayor:

21 "Sir: As you know, the possibility of Newark's  
22 policemen having a riot is at its highest point. Also as  
23 sufficient. you may already know, our city is virtually an  
24 armed camp. We say this from personal experience  
25 and first-hand knowledge." End of quote.

1                   Then his letter went on in which he com-  
2 plained of improper and insufficient equipment, no shotguns,  
3 no riot guns, no helmets, not enough tear gas, et cetera.  
4 I am wondering if you could tell us what the Mayor did  
5 about that letter just a month before the riots.

6           A       He met with the patrolman. He represents a  
7 small number of the police department in political  
8 organization which is in competition each year with the  
9 FBA. The FBA represents the great majority of Newark  
10 policemen. I believe Patrolman Kowalewski's organization  
11 represents two or three hundred policemen on a force of  
12 1,400.

13           Q       He testified it was about 150.

14           A       Out of a 1,400-man police force. So that he  
15 has been prone to take what we will call -- is there a  
16 police militant view? If so, he holds it and he has made  
17 these kinds of statements and those kinds of contentions  
18 before, but we did meet with him, yes.

19           Q       Did the administration look into his belief  
20 that there wasn't sufficient riot equipment available?

21           A       As I pointed out to you, there were a number of  
22 policemen who felt that the riot equipment on hand was  
23 sufficient. We did look into it. As I understand it, there  
24 was agreement that they would review the existing equipment  
25 for his satisfaction.

1 Q He testified that the Mayor did order a survey of  
2 available police equipment and he met with the Mayor ten days  
3 later, just on the eve of the riots.

4 Could you tell us about that meeting and that survey?

5 A The patrolman, like many others, was aware of  
6 most of the rumors and so forth which had pinned July 1 or  
7 early July as the riot time in Newark.

8 Those stories were not unknown to us. It was a matter  
9 again of how do you react to stories that you are going to  
10 have a riot the next day?

11 We had had those kinds of stories in Newark for a long  
12 time, for at least two years there had been specific dates  
13 established. So to us the establishing of July 1 or early  
14 July as the time for a Newark riot, that rumor which was so  
15 much with us, had to be considered as another rumor.

16 We asked the patrolman, as we asked all other persons  
17 who came to us with these stories, to produce evidence of  
18 the armed camp, the stocking of weapons, rocks and stones  
19 which he contended had been happening all over the city. We  
20 couldn't find any.

21 He couldn't produce any. That was the sense of that  
22 second meeting too.

23 Q Did the Mayor's survey on the eve of the riots--

24 A The Mayor did not survey equipment. He  
instructed the police director to do it.

1 Q Was a survey made of riot equipment just before  
2 the riots?

3 A I am not aware of it.

4 Q Would you be able to look into that for us and  
5 perhaps make available any written survey that might have  
6 been taken?

7 A I think that would be a matter for Director  
8 Spina. The Mayor would not or could not survey police  
9 equipment without the Director.

10 Q Before we go into the riots themselves and the  
11 role of the administration I am wondering if there are any  
12 questions on the pre-riot phase from any of the  
13 Commissioners.

14 MR. LOFTON: I believe you testified that  
15 the city was trying to tell its relocation  
16 story.

17 Would you amplify on that a little bit  
18 and tell us whether or not the city published  
19 a relocation plan indicating where the proposed  
20 dislocated people would be relocated?

21 THE WITNESS: Yes. I think we distributed  
22 lengthy accounts and I think the one-page sheet  
23 of the housing which was available, which  
24 concentrated on the new public housing which was  
25 being concluded and the high vacancy rate in



1 standard dwellings in the city.

2 MR. LOFTON: Was it the contention of a lot  
3 of the people in the area that with respect to  
4 the high turnover rate, as it were, in the  
5 housing projects, as I understood it, that a lot  
6 of the vacancies that would be available in the  
7 housing projects would be because of people's  
8 turnover and moving out? Is that correct?

9 THE WITNESS: That's part of it, yes.

10 MR. LOFTON: And that in fact, there have  
11 been various kinds of figures put forward by  
12 persons that said that there was not enough  
13 housing for the people to be relocated, that  
14 there were some thousands of people on the waiting  
15 list to get into the housing projects, is that  
16 correct?

17 THE WITNESS: There was a waiting list. Of  
18 course, in relocation the relocation persons  
19 take priority. That was explained.

20 MR. LOFTON: The relocation that you  
21 mentioned that was discussed or attempted to be  
22 put into the community with the cooperation of the  
23 Newark Legal Services Project -- is that what  
24 you said?

25 THE WITNESS: No. I said that as I

1 understood it, your office had worked with Mr.  
2 Schiff's office in attempting to develop and you  
3 were, as I understand it, monitoring to insure  
4 that there was developed what you considered to  
5 be an acceptable relocation plan.

6 MR. LOFTON: For the purposes of the  
7 record I should like to state that that relocation  
8 plan has not yet been forthcoming.

9 THE WITNESS: I think it was included in  
10 Part 1 application.

11 MR. LOFTON: What I mean is that the  
12 relocation plan that was to be developed between  
13 the city and the Newark Legal Services Project  
14 so as to acquaint the people about the places  
15 that would be available for them to be moved to,  
16 these things were supposed to be made available.

17 THE WITNESS: As I understood it, did that  
18 not flounder on an insistence that there be  
19 addresses and places that persons would be going  
20 to and since the relocation was a year away that  
21 that was an impossibility?

22 It merely had to be that you had to accept  
23 the fact that there were going to be X number  
24 of apartments vacant based on the experience of  
25 the previous year, the year before that and the

1 year before that and the year before that and  
2 that we would therefore assume that this year's  
3 experience would be the same as last and that  
4 it was not a matter of matching person to  
5 address.

6 Wasn't that really what it came down to?  
7 The Housing Authority, which has relocated  
8 between one and two thousand people a year for  
9 the last ten years, has indicated that you simply  
10 cannot a year in advance of relocation match  
11 person to address. It just can't be done.  
12 Apartments which are available now will not be  
13 available a year from now.

14 However, based on years of experience you  
15 presume that you are going to have X amount of  
16 apartments or you project that there will be X  
17 amount of apartments open next year.

18 I think that was essentially the stumbling  
19 block.

20 MR. LOFTON: Well, I would just state that  
21 Mr. Schiff was to have-- or in consultation with  
22 Mr. Warrens of the Housing Authority he was to  
23 develop the relocation plan. There was no  
24 stumbling block insofar as matching people to  
25 specific addresses. The fact is that Mr. Warrens

1 has never produced the relocation plan that was  
2 to be put into the hands of the Legal Services  
3 Project to be distributed in the community,  
4 though we have repeatedly asked for that  
5 relocation plan so as to acquaint the people  
6 with where they might be moved to.

7 I just want the record to be straight  
8 with respect to that.

9 THE WITNESS: I think a riot intervened  
10 in your dealings with them, as I understand it.

11 MR. MEYNER: I think we have listened to  
12 an awful lot of preliminary material and it is  
13 about time we got to the point.

14 VICE CHAIRMAN BROWN: I do have one or  
15 two that you might find are pertinent to the  
16 first phase.

17 As I read my notes I note that in May,  
18 Director Spina apparently sent a letter to the  
19 GEO?

20 THE WITNESS: A telegram.

21 VICE CHAIRMAN BROWN: Of which the Mayor  
22 wasn't fully cognizant. Apparently he knew  
23 there was something sent and that Spina was  
24 concerned about U.C.C. and that the tenor of the  
25 telegram was that unless something was done about

1 U.C.C. leadership that their actions might lead  
2 to riot?

3 THE WITNESS: That was a quote in the  
4 telegram.

5 VICE CHAIRMAN BROWN: Now Kowalewski also  
6 came up with his letter and although he repre-  
7 sented a small group of people he still said that  
8 he felt things were hot and were at their peak?

9 THE WITNESS: No. He said "As you know".

10 VICE CHAIRMAN BROWN: I think he said  
11 "As you know the possibility of riot is at  
12 its peak".

13 THE WITNESS: Yes. I think most people  
14 accepted that. We were moving into July and  
15 August and most people get most concerned about  
16 riots in late June, July and August.

17 VICE CHAIRMAN BROWN: Well, this was in  
18 May now.

19 THE WITNESS: No.

20 VICE CHAIRMAN BROWN: When was Spina's  
21 telegram?

22 THE WITNESS: The telegram of Spina was  
23 in May. Kowalewski's was much later.

24 MS. ROBINSON: Kowalewski's letter was  
25 June 18.

1 VICE CHAIRMAN BROWN: Now then in May we had  
2 this business with the board of education about  
3 the job, would that be right?

4 THE WITNESS: No. In May I think we were  
5 concluding the medical school hearings. I don't  
6 believe that the Parker issue came until late  
7 May or June. In fact, I am sure the Parker  
8 issue was in June.

9 VICE CHAIRMAN BROWN: So that in May we  
10 have Spina's telegram?

11 THE WITNESS: In May the medical school  
12 issue was in full flight.

13 VICE CHAIRMAN BROWN: And this was what  
14 Spina was directly concerned about?

15 THE WITNESS: The telegram, yes, the use  
16 of sound trucks.

17 VICE CHAIRMAN BROWN: The U.C.C.'s  
18 participation in this controversy about the  
19 medical school?

20 THE WITNESS: I think he referred par-  
21 ticularly about the use of soundtrucks and then  
22 suggested that the actions of the U.C.C. were  
23 leading the city to riot and chaos, or riot  
24 and anarchy, I think was his phrase.

25 VICE CHAIRMAN BROWN: Was there then as

1 between the Mayor and Director Spina any agree-  
2 ment as far as you know on this situation? I  
3 ask it in light of the fact that shortly there-  
4 after the administration participated in the  
5 election in U.G.C.

6 In fact, you felt that Still would  
7 probably be the better choice, is that right?

8 THE WITNESS: Yes.

9 VICE CHAIRMAN BROWN: So would it be fair  
10 to say that the Mayor did not see eye to eye with  
11 Mr. Spina on the urgency of the matter leading  
12 to the riot and so forth?

13 THE WITNESS: Not at all. I think we were  
14 in perfect agreement that the United Community  
15 Corporation was a problem and was being used --  
16 now we have to separate the United Community  
17 Corporation from persons who are able to use it  
18 at given times when other persons don't  
19 participate.

20 VICE CHAIRMAN BROWN: I am not going into  
21 that.

22 THE WITNESS: We felt it was being used  
23 at that time.

24 VICE CHAIRMAN BROWN: Whatever it was  
25 being used as an instrument that may foment riot

1 and so forth?

2 THE WITNESS: Yes, we felt that way.

3 VICE CHAIRMAN BROWN: Now was there any  
4 action taken by the city at that time, since the  
5 Mayor and Director Spina were in concert, that  
6 this might be fomenting riot? Could you tell us  
7 what was done then and if it differed from prior  
8 years when you had the same kind of crisis  
9 reoccurring?

10 THE WITNESS: We never felt that we could  
11 exercise effective influence or control of the  
12 United Community Corporation.

13 VICE CHAIRMAN BROWN: Well, my question  
14 was inartistic.

15 Did you do anything at all in view of  
16 these very urgent conclusions reached?

17 THE WITNESS: In our relationship with the  
18 anti-poverty agency?

19 VICE CHAIRMAN BROWN: Yes, or with anybody  
20 in the city.

21 THE WITNESS: I think helping to elect a  
22 president who we thought would be better was a  
23 considerable action.

24 VICE CHAIRMAN BROWN: But you suggested  
25 that the U.C.C. itself in structure was not



1 necessarily important, it was those who were using  
2 it and had been with sound trucks and so forth.  
3 Was anything done about this?

4 THE WITNESS: I am not sure. Do you mean  
5 did we arrest anyone for the use of the sound  
6 trucks?

7 VICE CHAIRMAN BROWN: Well, were there  
8 ordinances?

9 THE WITNESS: This is a private corporation.  
10 It has no relationship to city government.

11 VICE CHAIRMAN BROWN: I understand, but  
12 what was the Director concerned about when he  
13 says these people are fomenting riot and  
14 disorder?

15 THE WITNESS: I think his indication was  
16 he wanted Shriver to crack down on the agency.

17 VICE CHAIRMAN BROWN: But what did the  
18 city officials have to do with it? Suppose  
19 Shriver did. Suppose he removed persons or did  
20 whatever he can do.

21 Would you not still have had these  
22 persons that you say were using this still in  
23 function, still in operation, still motivating  
24 and fomenting?

25 THE WITNESS: We don't think they would

1 have had the bullhorn which is the U.C.C.

2 VICE CHAIRMAN BROWN: Of course, it comes  
3 back to the same question.

4 Other than the telegram to Mr. Shriver, was  
5 anything done in terms of security, in terms of  
6 circumventing or controlling the situation?

7 THE WITNESS: I think the State Police  
8 set up a command post in Newark during the  
9 Spring.

10 VICE CHAIRMAN BROWN: Well now, in terms  
11 of the city government was anything done at  
12 all that you can tell us about?

13 THE WITNESS: In terms of security, to  
14 prepare for a riot?

15 VICE CHAIRMAN BROWN: Well, preparing for  
16 some sort of contravention of riot. Here the  
17 Police Director says "Look, this place is about  
18 to blow up."

19 My question is, what, if you can tell us,  
20 was done by city government?

21 THE WITNESS: I thought I had suggested  
22 that we attempted to close off all the issues  
23 that I have discussed here.

24 There was a filibuster at the medical  
25 school hearings. We decided to cut those off,

1 which we did.

2 In the Callaghan Parker issue --

3 VICE CHAIRMAN BROWN: This hadn't come  
4 yet. That was in June.

5 THE WITNESS: We are talking about in this  
6 developing matter.

7 VICE CHAIRMAN BROWN: I suppose you are  
8 right, yes.

9 THE WITNESS: We attempted to have the  
10 matter die through Mr. Hess keeping his position,  
11 thereby eliminating the Callaghan Parker issue  
12 or as a continuing problem.

13 Moving into the chaos at the U.C.C., and  
14 an attempt to elect a president who we thought  
15 would be better for the agency and supporting  
16 the present director to get back -- he had been  
17 suspended and to get him back in command we  
18 thought was important.

19 Settling the quite difficult controversy  
20 over the Manpower Program we thought was  
21 important.

22 Working out a compromise over the P.A.L.  
23 Play Street Program was important. We did in  
24 fact go to the GEO to get some additional funds  
25 for the senior citizens program to take the

1 pressure off that program too.

2 as

3 So we took many steps as we could bearing  
4 directly on these issues which we have discussed  
5 here now.

6 VICE CHAIRMAN BROWN: I am curious about  
7 this one point.

8 Did you feel that then if Still were  
9 elected and the militants supporting Duke Moore  
10 were defeated that this then would minimize the  
11 possibility of a riot or would it not be that  
12 this frustration might drive them into the  
13 streets, if I can use that phrase?

14 THE WITNESS: Well, that was a problem.  
15 We felt that the election of Timothy Still would  
16 provide a more stable and more intelligent  
17 approach to anti-poverty and a more honest  
18 approach to anti-poverty in Newark.

19 VICE CHAIRMAN BROWN: I think there is one  
20 problem.

21 THE WITNESS: You are saying when you  
22 frustrate people where would they go?

23 VICE CHAIRMAN BROWN: Yes. Secondly,  
24 admittedly from your point of view the anti-  
25 poverty program was a problem of promises of the  
program rather than fulfillment.

1 THE WITNESS: I said that was one of the  
2 problems. The problems we outlined was the  
3 vigorous, consistent opposition of the anti-  
4 poverty agency to the city administration or  
5 members or parties who were unduly influential  
6 in the anti-poverty agency.

7 If I haven't made that clear let me make  
8 that clear now. We considered them to be the  
9 major public voice and still do, on public issues  
10 in Newark, on issues in Newark.

11 VICE CHAIRMAN BROWN: Were they reaching  
12 the cause? Please correct me as you just have,  
13 but I think you said that even the U.C.C. or  
14 anti-poverty agency, assuming that they had  
15 harmony, assuming they were in accord, would  
16 still really not be doing much in terms of  
17 ameliorating conditions because of the national  
18 concept which promised much but in reality  
19 gave little?

20 THE WITNESS: And because of the immensity  
21 of the problems that Newark has.

22 VICE CHAIRMAN BROWN: Yes. That's what  
23 I am trying to get to.

24 Now let's assume that the U.C.C. contro-  
25 versy was important and it most certainly was.

1 But even had it harmoniously worked, even had it  
2 been going in as far as it could go, it wouldn't  
3 have been making much impress. So let's leave  
4 them apart, if we may.

5 Was anything else other than the U.C.C.  
6 controversy, this great area where the U.C.C.  
7 couldn't have done much if it was in great  
8 shape, was anything done in these other areas?

9 THE WITNESS: Yes. You mean in moving to  
10 solve its basic problems?

11 VICE CHAIRMAN BROWN: And in trying to  
12 meet this crisis which was imminent. We had a  
13 Governor and a Police Director who said this  
14 place is about to blow up.

15 THE WITNESS: Remember, we considered the  
16 crisis to have been generated in large part by  
17 persons who were active at the time in our anti-  
18 poverty agency.

19 VICE CHAIRMAN BROWN: You feel that the  
20 crisis or the disturbance in July was generated  
21 in large part by U.C.C. activities?

22 THE WITNESS: By an atmosphere involving  
23 the issues I have discussed which was worsened  
24 by the activities of those persons who were then  
25 active in the anti-poverty agency. I absolutely

1 feel that way, yes.

2 VICE CHAIRMAN BROWN: I may say that even  
3 if the U.C.C. worked beautifully, even if they  
4 were in complete harmony, they by definition  
5 were not able really to meet any of the problems  
6 because of the vast promises but little per-  
7 formance available.

8 THE WITNESS: Newark had been making  
9 progress in housing and it was a very good,  
10 immense urban renewal program.

11 It has more public housing per capita than  
12 any city in the country. So I think we were  
13 making progress there. We had severe problems  
14 with the FHA, yes, that's true.

15 VICE CHAIRMAN BROWN: You defined those  
16 earlier. WITNESS: Yes.

17 Tell me this now: In July or around July  
18 1 you took your very first vacation in three  
19 years?

20 THE WITNESS: I had to. My wife insisted  
21 on it. I didn't feel too happy about it.

22 VICE CHAIRMAN BROWN: Don't let me intrude  
23 into your personal affairs. That is not my  
24 purpose. WITNESS: State Police and State Police

25 Would this be any indication that you were

1 kind of a firemen in this area, I think, to  
2 minimize your role, and did you feel that you  
3 could even under personal stress from your wife  
4 or did things seem to be in good shape? Would  
5 that be the general atmosphere at City Hall?

6 THE WITNESS: I felt I could get away for  
7 a little while.

8 VICE CHAIRMAN BROWN: So we could say the  
9 city administration felt that if things were not  
10 under control they were safe for a month or so?

11 THE WITNESS: I think I could best answer  
12 that by saying that in the middle of my vacation  
13 I broke it off and came back because I didn't  
14 feel that safe about it.

15 VICE CHAIRMAN BROWN: You were disturbed?

16 THE WITNESS: Yes.

17 VICE CHAIRMAN BROWN: Now up to this  
18 point, July 1, when you were apprehensive, was  
19 anything other than the allocation of the  
20 equipment to the police or anything like unusual  
21 numbers of police assigned to alert duty, around  
22 the clock, any reduction of leaves, any projected  
23 investigations made?

24 THE WITNESS: State Police and State Police  
25 observers were in Newark and there had been



1 talks with them.

2 VICE CHAIRMAN BROWN: How about investi-  
3 gations in there or people going in, undercover  
4 agents, persons intruding into the Negro  
5 community to try to gauge things?

6 THE WITNESS: I don't like the word  
7 "intruding".

8 VICE CHAIRMAN BROWN: I will withdraw  
9 that. I mean people going in in the course of  
10 duty to try to find out what was happening, what  
11 the ferment was, to try to provide eyes and  
12 ears for the government.

13 THE WITNESS: I think that will be an  
14 issue for the Director but I would say that so  
15 far as we could learn we could not get any hard  
16 evidence that in fact this July riot or that  
17 there was organization of and people pointing  
18 at a July riot.

19 The sense was there but it was impossible  
20 to produce weapons or persons who said "We are  
21 meeting on Tuesdays and Wednesdays."

22 No, we did not see any hard information  
23 that in fact we were confronting anything more  
24 than the difficulties that we had faced the  
25 summer before except had been made much worse

1 and the community more unsettled by these very  
2 divisive issues which had come along.

3 VICE CHAIRMAN BROWN: Was anything done by  
4 the government which was different than that  
5 which had been adopted as almost standard alert  
6 procedures the last year and the year before?  
7 Nothing unusual was done at this time at all?

8 THE WITNESS: I think the previous year  
9 we had had a meeting with the Governor and other  
10 big city mayors and we did not have that kind of  
11 pre-summer meeting this year.

12 The Mayor did go to a meeting at Paul  
13 Ylvisaker's house with Police Commissioner Leary  
14 from New York to discuss Leary's experiences in  
15 Philadelphia and what he was doing in New York  
16 and things of that sort. This was held in

17 June. This type of thing was continuing, yes.

18 VICE CHAIRMAN BROWN: But this would be  
19 a continuing effort by the Mayor I think to  
20 learn and understand about the problem, nothing  
21 special as of this time? going along?

22 THE WITNESS: Well, I think that that  
23 meeting was not a particularly happy one. My  
24 impression is that the Commissioner, like  
25 all of us -- which Director Spive would have

1 VICE CHAIRMAN BROWN: Commissioner Yivisaker?

2 THE WITNESS: Yes. --concerned about  
3 Newark, brought Leary there because he thought  
4 Leary could help in some way, but I think that  
5 he made the error of having a number of mayors,  
6 some Republicans, some Democrat, some non-  
7 partisan, some who didn't know each other at the  
8 same meeting and I think that it became awkward  
9 so far as I can find for mayors to confess to the  
10 depth of the problems in their cities or to  
11 discuss them candidly.

12 VICE CHAIRMAN BROWN: So this meeting was  
13 held when? It involved a number of mayors,  
14 you say?

15 THE WITNESS: Yes.

16 VICE CHAIRMAN BROWN: This was held in  
17 June?

18 THE WITNESS: Yes.

19 VICE CHAIRMAN BROWN: So other than these  
20 things, there was nothing really done because  
21 you felt that things were going along?

22 THE WITNESS: I wouldn't say nothing was  
23 really done. What I am saying is that police  
24 preparations or the possibility of riot seems to  
25 me an area in which Director Spina would have

1 to testify.

2 VICE CHAIRMAN BROWN: That's why I am  
3 trying to concentrate on the government's  
4 attitude.

5 THE WITNESS: Our attitude was to take  
6 those administrative steps which we thought  
7 would end or help end the divisive issues within  
8 the community and to help moderate what we felt  
9 to be the main platform for the attacks, which  
10 was the anti-poverty agency and to proceed with  
11 programs we thought were worthwhile like the  
12 \$4½ million Manpower Program, like the summer  
13 programming, like the various youth programs,  
14 expanding the Youth Corps from 300 to 2,500,  
15 keeping playgrounds open at night and so forth  
16 and so on.

17 VICE CHAIRMAN BROWN: Was any effort made  
18 to reach people like Moore and Dawkins?

19 THE WITNESS: I consider them all personal  
20 friends of mine and I have high regard for them.  
21 I talk to them regularly.

22 VICE CHAIRMAN BROWN: I mean on a  
23 governmental level.

24 THE WITNESS: I mean at the governmental  
25 level. We talk to them frequently, yes.

1 VICE CHAIRMAN BROWN: Were you talking to  
2 them at this time?

3 THE WITNESS: Yes. I talked to Duke right  
4 after he was arrested, as a matter of fact.  
5 Duke Moore was arrested during the medical  
6 school hearings.

7 VICE CHAIRMAN BROWN: Yes, I know. Did  
8 any of these people give you any indication of  
9 what was impending?

10 THE WITNESS: Their testimony at the  
11 hearings, many of them testified about blood in  
12 the streets and things of that sort, yes, but  
13 none of them -- and I know them -- were aware  
14 or gave me any indication that they knew of a  
15 plot to burn Newark or anything like that.

16 VICE CHAIRMAN BROWN: You are not suggesting  
17 there was such a plot?

18 THE WITNESS: I certainly am not.

19 VICE CHAIRMAN BROWN: Now in your  
20 relationship with these men then and now --

21 THE WITNESS: I have to qualify that  
22 statement.

23 I do think there were persons in Newark  
24 who believed that revolution and riot was a good  
25 thing and necessary for improvement in Newark,

1 yes. I do think there were persons who worked  
2 I do think there were persons who worked  
3 hard to produce an atmosphere in which a riot  
4 could occur.

5 But I do not think there was a conspiracy  
6 to make that riot occur. I do think there were  
7 persons who were determined to produce an  
8 atmosphere in which a spark could more easily  
9 produce a riot.

10 Yes, I certainly am very much convinced of  
11 that.

12 VICE CHAIRMAN BROWN: This will be my last  
13 question.

14 Could you give us a general idea of who  
15 you think those people are? Then we will go into  
16 the next phase.

17 THE WITNESS: I think that generally  
18 speaking they would be persons from the Newark  
19 Community Project, SDS. I don't think they would  
20 be persons who were organized or Negroes or many  
21 of the whites organized themselves but I think  
22 two or three persons who are the kind of  
23 doctrinaire, new politics, new left persons, who  
24 can sit in a back room and decide rather coldly  
25 that society needs a change and that if we

1 sacrifice some people, it is all part of the  
2 procedure.

3 U.S. I think we have those people and I think  
4 they are here and I think that they are known  
5 to this Commission.

6 Q Could we have the names?

7 A I would include in that category Tom Hayden  
8 and Phil Hutchins.

9 Q Could you give us the others?

10 A That is as far as I can go because anyone else  
11 after that is guesswork. I am convinced that Phil Hutchins  
12 and Tom Hayden both felt that a riot was necessary in  
13 Newark.

14 VICE CHAIRMAN BROWN: Are they both Negro  
15 or white?

16 THE WITNESS: Hayden is white and Phil  
17 Hutchins is a Negro. I think Leroi Jones might  
18 be another one who felt that way. I don't know  
19 his activities at the time.

20 MR. ROBINSON: Any other questions on the  
21 pre-riot phase?

22 MR. MEYNER: I want to hear about this  
23 riot somewhere along the line.

24 MR. LOFTON: Without impeding the progress  
25 toward hearing about the riot, I would just like

1 to ask one or two questions so that the record  
2 is clear about the board of trustees of the  
3 U.C.C.

4 Is the board of trustees of the U.C.C.  
5 made up of people from the community and also  
6 persons from the municipal government, meaning  
7 the administration and say the elected  
8 officials?

9 I mean in terms of the City Council.

10 THE WITNESS: As a matter of fact, we have  
11 15 votes on a 100-member board, yes.

12 MR. LOFTON: One other question. Anytime  
13 during the time when all of these things that  
14 you say were occurring, by people associated  
15 with the U.C.C., did anybody from the city  
16 administration -- and the Mayor is honorary  
17 president of the U.C.C., right?

18 THE WITNESS: Yes.

19 MR. LOFTON: Did the Mayor appear before  
20 the board of trustees and appeal to them to stop  
21 these things that were occurring that were  
22 giving consternation to the city officials?

23 THE WITNESS: The Mayor has been repre-  
24 sented at every executive committee meeting the  
25 U.C.C. has ever held.



1           MR. LOFTON: My question is whether or not  
2 the Mayor himself has appeared there.

3           THE WITNESS: The Mayor has not appeared  
4 there but the executive committee met in his  
5 office. The Mayor did not ever go directly to  
6 the board of trustees.

7           The executive committee met in his office  
8 prior to the riot and these subjects were  
9 discussed. We met privately with Dean Heckel,  
10 of course. There were many meetings.

11           MR. LOFTON: Since the city administration  
12 had representatives on the board of trustees of  
13 the U.C.C., did any one of those trustees ever  
14 make a resolution or put a motion on the floor  
15 of the board of trustees of the U.C.C. to stop  
16 these things that you say were occurring? Did  
17 that ever occur?

18           THE WITNESS: Yes. We induced a committee  
19 to produce a recommendation, or assisted a  
20 committee to produce a recommendation which was  
21 pro-medical school but it was voted down.

22           MR. LOFTON: Maybe I am not making my  
23 question clear. I think what I am talking about  
24 is this: There were a lot of negative things  
25 you say were occurring in terms of sound equipment

1 and so forth and so on and the Police Director  
2 had written a letter to the O.E.O., to Sargent  
3 Shriver saying that he didn't think that the  
4 U.C.C. money was being spent properly and so  
5 forth.

6 What I am asking you is whether or not any  
7 one of the representatives from the city  
8 administration or the City Council ever put a  
9 motion on the floor of the U.C.C. asking the  
10 U.C.C. board to stop this kind of activity.

11 THE WITNESS: Well, we attempted to put a  
12 motion on the floor involving, for instance, an  
13 end to the senior citizens program and it was  
14 ruled out of order by Dean Heckel, if you  
15 recall that.

16 I think I had better add something to  
17 that. We tried to reach Bill Wolf a good deal  
18 and we talked to him a good deal. I think he  
19 attempted his best to moderate what was going  
20 on.

21 For his pains he was fired.

22 MR. MEYNER: Fired as what?

23 THE WITNESS: He was suspended. Then he  
24 was reinstated and then fired during the riot  
25 or asked to resign.

1 been with the Mayor. MR. MEYNER: What was he, director?

2 THE WITNESS: He was director, yes.

3 BISHOP TAYLOR: Who fired him?

4 THE WITNESS: He was originally suspended  
5 by this coalition we have been talking about.

6 He was then reinstated by a counter group,  
7 because the board of trustees can always mount  
8 a moderate superior force, if you can get it  
9 together, and I think that it reinstated him.  
10 During the riot he was suspended, I take it by  
11 consensus, or he was asked to resign I think by  
12 Tim Still, as a matter of fact. That would be  
13 a problem for Tim Still to testify to.

14 I am not sure of the internal matter of  
15 how his resignation came about during the riot.

16  
17 BY MR. ROBINSON:

18 Q Now you were vacationing from July 1 until  
19 July 12, correct?

20 A That's right.

21 Q Did you return on July 12?

22 A Yes.

23 Q By request or because you felt things were in  
24 a bad state?

25 A I had never been out of the city since I have

1 been with the Mayor for that long a time and I was restless.

2 MR. MEYNER: Where did you go?

3 THE WITNESS: Cape Cod, a house without a  
4 telephone. If I had had a telephone I might have  
5 felt better but there was no telephone out there  
6 and we were out on the beach.

7 Q Will you tell us when you first received word of  
8 any disorder on or about July 12 or 13 and under what  
9 circumstances?

10 A I got home that afternoon --

11 Q Of July 12?

12 A Yes. I called around to some people and some  
13 friends. Nothing had happened, although I was shocked to  
14 discover that the summer block program which was supposed to  
15 begin on July 1 had not begun and that the Manpower Program  
16 which was supposed to get under way July 1 had still not  
17 begun.

18 Both programs had been delayed apparently because of  
19 the various paper work business which you get involved in  
20 with the federal government.

21 I went to bed about midnight and got a call about two  
22 o'clock in the morning from Walter Wagoner of the New York  
23 Times.

24 Q A New York Times reporter?

25 A Yes.

1 Q Tell us about that discussion and what you did  
2 as a result of it.

3 A Walter Wagoner called me about two o'clock --  
4 he lives in Montclair and he covers Newark for the New York  
5 Times -- and I couldn't believe it. I said "What time is  
6 it?"

7 He said "It is about 2 o'clock, 2:30."

8 Then he said "I have just had a call from my desk. I  
9 understand Newark is in flames. What can you tell me about  
10 that?"

11 I pulled myself together, got out of bed, went to the  
12 window of my apartment from which you can see the Central  
13 Ward and the medical school area and so forth.

14 I saw no flames. I got back to the bed and I asked  
15 if he was joking and he said no, that he couldn't reach the  
16 police and that he feared that something was going wrong  
17 because he couldn't get a call through to the police  
18 department, nor could they at the New York Times.

19 So I said I would call him back. I tried the police  
20 number and I couldn't get through myself. It was about  
21 2 or 2:30. Now the Deputy Mayor, Paul Reilly, who covers  
22 many meetings that the Mayor does not cover, was quite  
23 frequently out until 2 or 2:30, so I called him and told  
24 him I was back.

25 He had just come in. I said I had had this report and

1 he said it was impossible, he had just come in that moment,  
2 he had been through the city and nothing was happening.  
3 I said "Well, Paul, I can't reach the police." I knew he  
4 had private police numbers at some of the precincts and I  
5 asked him to call in and in about a half an hour he called  
6 back with the bones of the story, which was that there had  
7 been an arrest of a cab driver, there had been some diffi-  
8 culty at the Fourth Precinct.

9 He wasn't sure quite what had gone on there but there  
10 had been some window-breaking in the area but that Spina  
11 thought he had it under control and that the Mayor was not  
12 going to go to the scene, that they had closed it off.

13 Q What did you do, if anything? Did you go back  
14 to bed?

15 A I got back to Wagoner and from that point on I  
16 answered telephone calls from the press pretty much.

17 Q Until the morning?

18 A Until about eight o'clock in the morning. I went  
19 to the City Hall then.

20 Q Tell us what activity there was at City Hall on  
21 Wednesday, July 13.

22 A That was a Thursday.

23 Q Yes, Thursday, July 13, up to 7 p.m. when the  
24 picketing began in front of the Fourth Precinct.

25 A The day was spent meeting with first a summer

1 task force which the Human Rights Commission had put  
2 together.

3 That task force was to emphasize youth jobs and was  
4 scheduled to meet that day in any case. So we had a rather  
5 lengthy meeting with them.

6 Q Did the Mayor take part?

7 A All these meetings were in the Mayor's office.

8 Q With the Mayor?

9 A With the Mayor. A lengthy meeting with this  
10 committee and we were very dubious about their ability to  
11 be of service to us. It was a new task force. It had many  
12 persons who Mr. Threatt had identified who were not known  
13 to us and whom we were not sure were known to the community.  
14 They were his selections of persons he thought could be  
15 valuable to us as we proceeded, particularly in the area of  
16 youth jobs.

17 That meeting was long but I think inconclusive. We  
18 were attempting to determine whether or not we could come up  
19 with some sort of a group of demands which could in some way  
20 be articulated to the community and met in an effort to head  
21 off any further problem.

22 Q Did the agenda at that meeting which was going  
23 to be held anyway include the disorder of the previous  
24 night and the anticipated disorder that would come that  
25 night?

1 A Had the agenda included that before the disorder?

2 No. The meeting was entirely about the disorder.

3 Q The meeting was about the disorder?

4 A Entirely.

5 Q What was the resolution of it? What happened?

6 A It was an inconclusive meeting at which most  
7 people said it was a terrible thing and there was a sense  
8 that if we could get through and that there wasn't any  
9 problem we were all going to have to do something. There was  
10 quite a bit of speech-making for many people.

11 Q Were Negro leaders there?

12 A It was an all-Negro group.

13 Q Could you name the leaders who spoke at the  
14 meeting?

15 A I think Mr. Threatt has the people who were  
16 there. Recognizing that many of the people who would be  
17 militants or many ministers and others who had been normally  
18 called in times of crisis were not there, we had other  
19 meetings that day which the Mayor himself called with  
20 persons that he would normally talk to or rely on or call  
21 upon.

22 Q What other Negro groups did the Mayor or his  
23 representatives meet with on that day?

24 A There was a wide range of groups including Mr.  
25 Richardson, who was more or less seen at that time as the



1 person who could speak for the militant groups opposing the  
2 medical school and I believe that the United Community  
3 Corporation persons also that afternoon came out of an  
4 executive committee meeting they were having which was  
5 normally scheduled on Thursday in which they had discussed  
6 at some length the same incidents since many United Community  
7 Corporation personnel had been at the scene the previous  
8 night.

9 They came to us late in the afternoon following the  
10 meeting with Mr. Threatt's group and we had discussions.  
11 Essentially the entire day was spent with the police, with  
12 the group Mr. Threatt had put together and with various  
13 ministers and what we considered civil rights militants  
14 and anti-poverty people right through to late afternoon.

15 Q At those meetings was there any consensus from  
16 the Negro leaders about any steps they wanted the  
17 administration to take immediately?

18 A Well, I think the thing began to shape up  
19 around, as I recall, three things. They were not clearly  
20 articulated but in the probing around, trying to find  
21 something that could be done, I think the demands, if we  
22 can call them that, finally centered around a request --  
23 and I think it was put forward most by Mr. Richardson and  
24 the militant group there -- that the two patrolmen involved  
25 in the arrest be suspended, that a blue ribbon panel of

1 some sort investigate the disorder outside of the normal  
2 investigations procedures and, third, that a Negro police  
3 lieutenant who was fifth on the Civil Service list be  
4 promoted to captain as quickly as possible.

5 Q What position did the administration take on  
6 those three what you are calling demands from the Negro  
7 leaders?

8 A We adopted them. We did not suspend the police  
9 but agreed to transfer the two policemen involved in the  
10 arrest.

11 Q The two arresting officers?

12 A Yes, to administrative duties, which, by the  
13 way, is the normal procedure since 1965 whenever there is a  
14 complaint about their behavior, so that was not the acceptance  
15 of a demand but it was normal police procedure when there  
16 is a charge of brutality involving a police officer.

17 Q Now on that decision did that seem to satisfy  
18 the Negro leaders or did they continue to push for  
19 suspension?

20 A This was getting to be late in the afternoon  
21 and we were gathering from a number of different groups at  
22 different times these requests.

23 So we did not articulate, although there was a general  
24 acceptance to all, that we would be moving the sense of what  
25 we would be doing. We did not have everyone in one room at

1 one time.

2 It was continuous throughout the day.

3 Q What was your perception about the reaction of  
4 the Negro leaders to the transfer of the two arresting  
5 officers rather than the suspension?

6 A My own feeling about all of these demands and  
7 all reaction to them, I was very dubious that they would be  
8 of any assistance because I did not believe that if the  
9 community was aroused it had time enough to understand what  
10 the demands were and then I think to ease off the community  
11 tension the community has got to understand what the demands  
12 are and it has got to come to believe and push those  
13 demands so that when the demand is met there is a release  
14 of tension.

15 I just don't believe that we had time to do that.  
16 By the way, I should talk about the other two. The decisions  
17 on the other two --

18 Q On the blue ribbon panel and the police  
19 lieutenant?

20 A Yes. The Mayor agreed to appoint a panel which  
21 would involve some community persons to investigate not  
22 only --

23 Q Investigate the arresting incident?

24 A Not only the incident but other causes of the  
25 community tension or the high state of community tension

1 at this time.

2 The third was that he did agree that he would go to  
3 the City Council to seek sufficient funds to promote all five  
4 lieutenants on the Civil Service list at one time.

5 Q Which would include the Negro?

6 A That's right, which had the effect of promoting  
7 Captain Williams or then Lieutenant Williams in advance of  
8 what would have been his normal promotion.

9 Q And the administration's position on these three  
10 demands was made known to the Negro leaders in the late  
11 afternoon of Thursday?

12 A Yes.

13 MR. LOFTON: I just didn't know whether  
14 or not the witness had answered Mr. Robinson's  
15 television question with respect to his perception of  
16 whether or not the Negro persons that met with  
17 the Mayor found his resolution of the requests  
18 satisfactory.

19 I don't know if that was answered.

20 Q I wonder if you would answer that.

21 A It was very difficult. I wouldn't venture a  
22 guess. I think that many didn't know what we were going to  
23 do until late that afternoon. They had made these requests  
24 but there was no response to them, like "We will consider  
25 them, we will come up with something, we will talk about it."

1 we will be back to you at five."

2 It was that kind of an afternoon. It wasn't a matter  
3 of 1, 2, 3 and we would say yes, no, no, or yes, yes, no.  
4 It was a matter of trying to consider what many people were  
5 feeling at that time.

6 Meanwhile, we have to accept the fact that Thursday  
7 morning the streets had been cleared very quickly the  
8 previous night and that Thursday appeared to be another day  
9 in the community.

10 Q A peaceful day?

11 A Yes, another day in Newark. There were no  
12 crowds moving around. We had police getting reports and it  
13 appeared to be -- well, of course it was a tense day but  
14 the tensest people around were the newspapermen and  
15 television men.

16 The day appeared to be reasonable.

17 VICE CHAIRMAN BROWN: You had no movement  
18 of any conspicuous nature?

19 THE WITNESS: That's right. The day  
20 appeared to be normal. In fact, merchants  
21 opened, some people began repairing some of the  
22 windows which had been broken the previous night.  
23 The day was entirely normal except for the fact  
24 that it was just after the most serious incident  
25 we had ever had in Newark but of course, far

1 from a riot but it was a serious incident.

2 VICE CHAIRMAN BROWN: Would you say it was  
3 the most serious incident you had ever had?

4 THE WITNESS: I think it was the most  
5 serious incident Newark had ever had.

6 BISHOP TAYLOR: I would like to ask a  
7 question.

8 I think Why were the Negro ministers called or  
9 summoned?

10 THE WITNESS: The Mayor has and still to  
11 this day believes that the Negro ministers  
12 provide the support, the core, the essence of  
13 communication in the Negro community.

14 VICE CHAIRMAN BROWN: Is that a serious  
15 statement?

16 Also THE WITNESS: Yes. He does not believe  
17 particularly that those persons can reach the  
18 persons who riot.

19 of the Negro lead VICE CHAIRMAN BROWN: He does not believe  
20 the three in the minister can reach the persons who riot?

21 wasn't time to THE WITNESS: They can act to stabilize a  
22 lot of persons in the middle who might normally  
23 be concerned or confused.

24 VICE CHAIRMAN BROWN: Has that been borne  
25 out by experience?

1 THE WITNESS: Yes, we think so.

2 BISHOP TAYLOR: Was their function then  
3 to be pacifiers?

4 THE WITNESS: I think the answer to that  
5 is to be churchmen, yes.

6 VICE CHAIRMAN BROWN: Which ministers  
7 would these be? Could you give us some names?  
8 I think we have some.

9 Are there any special ones or are you  
10 talking now generically?

11 THE WITNESS: I think Reverend B. F.  
12 Johnson is a minister the Mayor often turns to  
13 for advice. He gets soundings from ministers.

14 VICE CHAIRMAN BROWN: What church is this?

15 THE WITNESS: Metropolitan Baptist Church.  
16 Also Wendell Mabson and some others. I think  
17 Horace Sharper was in too.

18 Q You are unable to tell us what the reaction was  
19 of the Negro leaders to the administration's position to  
20 the three issues that seemed to be emerging because there  
21 wasn't time to test their reactions, is that correct?

22 A The answer to that is yes. There simply wasn't  
23 time.

24 VICE CHAIRMAN BROWN: I think it is also  
25 fair to say that you didn't say these were all

1 Negro leaders. You said many of them, especially  
2 Mr. Threatt's group, were persons that you had  
3 not known?

4 THE WITNESS: They were in his perception  
5 community people who had influence.

6 VICE CHAIRMAN BROWN: They would be  
7 community leaders?

8 THE WITNESS: Yes.

9 VICE CHAIRMAN BROWN: Were all of these  
10 people purportedly community leaders who you saw  
11 that day?

12 THE WITNESS: Yes.

13 VICE CHAIRMAN BROWN: Were they self-  
14 appointed or recommended or how did you determine  
15 that or did you at that time?

16 THE WITNESS: That is a \$64 million  
17 question.

18 VICE CHAIRMAN BROWN: I would say so.  
19 Was there any way that you could gauge that?

20 THE WITNESS: Mr. Threatt is a professional  
21 in this field. His leadership identification is  
22 supposed to be one of his jobs. The leaders in  
23 the anti-poverty agency were those persons who  
24 had achieved leadership in whatever manner  
25 required through the anti-poverty process, others



1 Mr. Timothy who have nothing but the gift of convincing  
2 newspapermen that their statements are worth  
3 printing.

4 It is very difficult. It is a mixed  
5 bag and I think you know what I mean.

6 VICE CHAIRMAN BROWN: Yes, I understand.

7 THE WITNESS: Some are leaders and some  
8 are not. Some are self-appointed and others are  
9 genuine.

10 VICE CHAIRMAN BROWN: So they drifted in  
11 I think this for one reason or another?

12 THE WITNESS: Not drifted. They were  
13 called.

14 Q: How many people are we talking about as leaders?

15 A: I would say during that day we ran through  
16 between 50 and 75 persons.

17 VICE CHAIRMAN BROWN: At this point we  
18 will have a brief recess.

19 (RECESS)

20 VICE CHAIRMAN BROWN: We will proceed now,  
21 if we may.

22 Q: You had told us about the Thursday activities  
23 preceding Thursday night's disturbances. Did you also phone

1 Mr. Timothy Still?

2 A I had been in contact with Timothy that day.

3 Q Did he give you any impression of his concern  
4 for what might be about to happen?

5 A I think he did, yes. We were all very concerned.  
6 I guess you need it for the record but there was a good deal  
7 of exchange of concern and information and so forth among  
8 most of the persons who had been active.

9 Again I want to suggest to you something which I am  
10 testifying out of the humanist vein here in these two days.  
11 I think this little conversation we had now should be part  
12 of this record.

13 Most of the persons who we are portraying to you as  
14 villains or as friends or as foe or whatever are well-known  
15 to all in the city administration and are quite frequently  
16 close friends or at least friends.

17 The fact that we have many gross differences on many  
18 public matters does not prevent us from, in that famous  
19 phrase, communicating with each other, so I think you would  
20 say that many people who are friends but also public enemies  
21 on these issues had been in contact and expressed to each  
22 other great concern and I think that went from the very  
23 militant types to very conservative types, including  
24 ministers.

25 Certainly we were in touch with Timothy Still, Duke

1 Moore, George Richardson, Reverend Sharper, Oliver Lofton  
2 and so forth.

3 VICE CHAIRMAN BROWN: Is it all right to  
4 put on the record that you are personal friends  
5 with nearly all these people and talk to them  
6 outside the public appearances?

7 THE WITNESS: I would very much like that  
8 to be on the record.

9 I consider Willie Wright, who many people  
10 present as some sort of an ogre, as an intelli-  
11 gent human being whom I like very much.

12 We served together on committees for a  
13 long time. We almost came to physical blows  
14 several times but I think Willie is off on the  
15 wrong track right now but I have faith that he  
16 will come back.

17 I think he believes and cares a lot about  
18 Newark.

19 VICE CHAIRMAN BROWN: But you think his  
20 public image now --

21 THE WITNESS: When you see a guy magnified  
22 through the press or television you get a  
23 different picture of the guy than what he  
24 really is.

25 VICE CHAIRMAN BROWN: He gets a different

1 picture himself, doesn't he?

2 THE WITNESS: I think he presents a different  
3 picture too, yes.

4 VICE CHAIRMAN BROWN: Please stop me if I  
5 am leading too much but we do want to get right  
6 into the rights, and I would like to ask you  
7 this: Do you feel from your experience in the  
8 newspaper world and in politics too that actually  
9 the Willie Wrights, the Duke Moores, the Tim  
10 Stills and the others are engaging in a kind of  
11 a political relationship to the mass of the  
12 Negro people in terms of the public images which  
13 they present and the public positions which  
14 they adopt?

15 Let's say for example Willie. Does Willie  
16 in private, for example, say "Gee, this is a  
17 dangerous business. I hope this doesn't  
18 happen", and then for what could be called  
19 political purposes in terms of leadership  
20 escalation goes outside and says "Now look, we  
21 ought to get busy here and beat the white men  
22 down."?

23 THE WITNESS: I think that is very  
24 perceptive and most true. That is accepted  
25 among all of us as the way it is. In fact, the

1 competition in the Negro community for leadership  
2 is one of the most pertinent issues you are going  
3 to have to confront in the study here.

4 Q In effect, is this competition for City Hall  
5 in 1970? Is that what we are talking about here?

6 A Yes. I think I tried to suggest that. I think  
7 in general political maturity and the symbol is the Mayor's  
8 chair in 1970 but it is just an awakening and I think quite  
9 good, solid American interest in achieving some power with  
10 some votes.

11 I think the competition which results is something  
12 you are going to have to analyze because it is often  
13 destructive.

14 MR. MEYNER: A change doesn't necessarily  
15 indicate progress.

16 THE WITNESS: Well, that's a lesson  
17 people haven't always learned. We are dealing  
18 with a lot of young, very young and new poli-  
19 ticians who don't have older political heads  
20 around to say "Now boys, you know, that's really  
21 not the way it's done."

22 Q Now you have told us of the meetings that were  
23 taking place in City Hall one Wednesday and outside every-  
24 thing seemed calm, correct?

25 A That's up until late afternoon.

1 Q All right. Now did it come to the attention of  
2 the administration that leaflets were being distributed for  
3 a meeting in front of the Fourth Precinct that night?

4 A Yes, this leaflet here.

5 Q Well, MR. ROBINSON: Could we have that leaflet  
6 the exhibit marked, please?

7 A Sure. (Leaflet marked Exhibit C-25 in evidence.)

8 Q Read it into the record.

9 A This is an 8 x 10 drawn typical style of this  
10 type of flyer. It says "Stop! Police brutality. Come out  
11 and join us at the mass rally", underlined, "tonite, 7:30  
12 p.m., Fourth Precinct", underlined, "located on 17th Avenue  
13 and Livingston Street."

14 A It is an anonymous flyer.

15 Q All right. Now when did the administration  
16 learn that leaflets were being passed around and that a rally  
17 was being called for the Fourth Precinct that night?

18 A Our first indication that there was a rally was  
19 telephone calls from networks who apparently heard before  
20 we did.

21 Q What time of day did you get these calls?

22 A Close to 4 or 5 o'clock.

23 Q Then what happened?

24 A Then the police brought in that leaflet.

25 Q Now at that point when the administration learned

1 that a rally was being called that night in front of the  
 2 Fourth Precinct, what was done by the administration other  
 3 than the police department?

4 A After our shock?

5 Q Well, let's first hear what was the reaction of  
 6 the administration to this rally.

7 A Shock, fear, concern. I thought we had lost  
 8 the ballgame when I saw that.

9 Q What activity was there in an attempt to counter  
 10 it other than police activity?

11 A Mr. Threatt was asked to get down to the rally,  
 12 to monitor it and to attempt to convey to any persons who  
 13 were there what the sense of the meetings had been, the  
 14 demands that had been placed upon us and our reaction to  
 15 them.

16 Q So Mr. Threatt was dispatched there to put forth  
 17 the administration's views?

18 A Yes. I may also say at that point we made some  
 19 changes in police preparedness for the night.

20 Q What were they, generally?

21 A Through the day we had portrayed the incident of  
 22 the previous night as a serious incident, isolated, and we  
 23 were hopeful that there would be no repetition and suggested  
 24 that patrols would be normal, the previous night's matter  
 25 had been handled at the precinct level, it had never gone

1 beyond the precinct level that night.

2 We made provisions for emergency recall and for  
3 extension of duties and for detectives to be in uniform that  
4 night after the flyer.

5 Q Now has any investigation revealed the origins  
6 of this call to rally? How did it come about, who took part,  
7 who was behind it?

8 A Flyers produced by the United Community  
9 Corporation.

10 Q This very one, Exhibit C-25?

11 A Or a local board of the United Community  
12 Corporation.

13 Q Do you know within the organization what group  
14 was responsible or what people were responsible for calling  
15 the rally?

16 A I think Timothy Still would be the best man to  
17 testify on it but so far as we understand, the leaflet was  
18 authorized by Malachai Roundtree, who was an organizer of  
19 Area Board 2.

20 He was in a sense the top staff man at Area Board 2.  
21 So far as we can determine, there was a telephone call from  
22 someone to him in which this leaflet was read to him and he  
23 appears to have authorized it.

24 I take it from Don Wendell and others at the U.C.C.  
25 that when the suggestion of a rally was made to them, they



1 did not endorse it that morning; although there was no  
2 official action they did not endorse it and it was done at  
3 the local or area board, neighborhood area board level.

4 It was distributed by Phil Hutchins, Derek Winants  
5 and some others, using Tom Hayden's Volkswagen.

6 Q Do you know to what extent leaflets were  
7 distributed calling for the rally, how many or in what  
8 areas?

9 A I don't know the number but the distribution was  
10 extensive, around the Fourth Precinct.

11 Q What other steps do you know of that were taken  
12 to assemble a group at the Fourth Precinct?

13 A I must confess that a Mr. Kennedy is also a  
14 community organizer for Area Board 2 and he also played a  
15 prominent role in the preparation and distribution of this  
16 leaflet.

17 Q What other steps in addition to this leaflet  
18 were taken that you know of to get a group in front of the  
19 Fourth Precinct that night?

20 A I don't know of any except that it was clear that  
21 when the rally began that many area boards had been called  
22 together. I know Area Board 3 was the most prominent one  
23 at the inception of the rally. Area Board 3 is not the  
24 area of the Fourth Precinct. It is a group which is domi-  
25 nated by Tom Hayden's SDS people.

1 Q Then it is the administration's belief today  
2 that the rally in front of the Fourth Precinct Thursday  
3 night was called by the U.C.C. people, is that correct?

4 A It is not our belief. Timmy Still has accepted  
5 the fact that my account of the way it happened is by and  
6 large the truth. He may have some details to add but he  
7 has accepted or they have accepted authorship for that.  
8 The fact that it was anonymous they say was a mistake.

9 Q Now to your knowledge, had U.C.C. ever called  
10 any similar rallies in earlier years?

11 A Not at a police precinct, no, but they had  
12 encourage participation at the public hearings.

13 Q Now what happened down at the Fourth Precinct  
14 to the best of your knowledge?

15 A We showed the movie when the Mayor testified of  
16 the beginning of the rally.

17 Q That was what time?

18 A I think the rally began somewhere around seven  
19 o'clock.

20 Q Were you down there?

21 A I was not there. Television cameras were set up  
22 earlier. They had been advised that there would be this  
23 rally. Mr. Kennedy was interviewed extensively as to whether  
24 or not he thought the rally would cause a riot. He thought  
25 not. He said Newark is already in a riot and that Mr. Karvin

1 had said the previous night that we were going to picket  
2 until we got justice and that's what we are going to do  
3 and I think many persons who were involved honestly felt  
4 apparently that this would be a good channeling of energy.  
5 I am sure others felt otherwise.

6 Q Can you describe for us the events in front of  
7 the Fourth Precinct from about 7 to 11 as your investigation  
8 has revealed them?

9 A Our investigation and some very careful films --  
10 the entire demonstration was filmed from start to finish by  
11 television networks -- we showed to you the beginning of it.  
12 I think you all remember how innocuous it appeared, a group  
13 of anti-poverty workers, or well, they were not all anti-  
14 poverty workers.

15 Some were anti-poverty workers and some were organizers  
16 and the signs were made at Area Boards 2 and 3. I think  
17 both area boards accept the fact that that was so.

18 Persons who were either workers or who were involved  
19 in the agency in Area Board 3 began a small picketing line.  
20 After a while it didn't seem to be going very well and they  
21 left the picket line and turned the picketing over to some  
22 children.

23 I think that is clear in the movie, eight, ten, twelve  
24 years old, carrying the signs which had been made "Stop  
25 police brutality", that type of thing, a few Black Power

1 signs. The street being toward to the street corner. When  
2 Mr. Bishop said: BISHOP TAYLOR: Is it possible for a film  
3 and he asked to be selective? That is to say, you take what  
4 he will tell you want to show? Bishop as to his experience

5 there. THE WITNESS: I guess it is always  
6 possible, yes. We didn't make the films. The  
7 fall of some television networks did. It is not a police  
8 film.

9 Q Continue, please.

10 A By the way, the film which we viewed was all  
11 the filmed material which the networks took. I don't know  
12 how selective they were. I don't think there is anyone who  
13 disputes, by the way, the facts of that film. It is a matter  
14 of the interpretation of those facts which can cause the  
15 problem.

16 The demonstration continued in what appeared to be an  
17 orderly manner. There are a number of persons who left  
18 the picket line to get others to come. There was some  
19 direction of street traffic by a Melvin Higgins, an anti-  
20 poverty worker from Area Board 3 to prevent cars from  
21 crossing in front of the precinct so that the crowd could  
22 move back and forth freely from the Hayes House to the  
23 front of the Fourth Precinct.

24 The police stayed in the precinct. They came together  
25 as a large group with many people who were hanging back

1 across the street coming forward to the steps slowly. Then  
2 Mr. Threatt arrived somewhere about 7 or it is 7:30 by now,  
3 and he attempted to talk about what had been done. I think  
4 he will testify later today or tomorrow as to his experience  
5 there.

6 He found it to be a crowd which although laughing and  
7 full of excitement, he sensed an angry and excited group.  
8 He attempted to express particularly the victory as he calls  
9 it of the elevation of Captain Williams from lieutenant to  
10 captain, "We have had a Negro captain", I think he said,  
11 and the crowd or people yelled back "You mean a black  
12 captain?" and he said "Yes, we have a black captain."

13 Then he went into the building. He is under the  
14 impression that a bottle was thrown very quickly after  
15 that. The films indicate that Jessie Allen, an organizer  
16 for Area Board 3, who had been very closely identified with  
17 the Newark Community Union Project, spoke essentially about  
18 power rights and votes and what we can do.

19 At that point a bottle and some other things, stones  
20 were thrown against the front of the precinct and the crowd  
21 started to scatter.

22 After that, more stones, more bottles and a garbage  
23 can was thrown through the front door. You saw that on the  
24 film. Then some garbage cans were thrown through the windows  
25 of the police cruisers at the side of the building. After

1 some 15 or 20 minutes of this, close to 8 o'clock apparently,  
2 a police squad -- I think it was two police squads were sent  
3 out the back door of the precinct to take command of the  
4 streets.

5 I think as you saw in that film there was no crowd  
6 left in front of the precinct because of the barrage of  
7 rocks. You couldn't really stand in the streets because  
8 of the barrage of rocks and bottles and stuff.

9 One woman in white, we all saw with a long pole, had  
10 run down the front of the precinct with the pole poking it  
11 through the bars of the windows and had broken all the  
12 windows of the basement.

13 The police came out and moved across the front of the  
14 street and secured the street. They then got into a  
15 situation with younger people throwing stones at them and  
16 then they would chase the younger people down the street  
17 and move back and there was a good deal of the ebb and flow,  
18 moving back down the street and coming back.

19 This continued for an hour. It was getting to be  
20 about 8:30. Then there were the first couple of reports of  
21 breaking of windows. It looked very much like we were going  
22 to have a repetition of the previous night at that time.

23 So everyone went to what was the police program of  
24 containment to see how far it would go and to insure that  
25 it didn't proceed any more than a small number of blocks

1 around the Fourth Precinct.

2 So they secured the area around the precinct, began  
3 to make an arrest or two, not many. The previous night I  
4 think we had only made eight arrests. About nine o'clock  
5 it was getting darker and a couple of windows were being  
6 broken but you could still move on Springfield Avenue  
7 without encountering any large groups of people breaking  
8 windows, but about that time the looting and breaking of  
9 stores close to the precinct continued.

10 The police took to the rooves of the Hayes Homes  
11 rather quickly to insure that they didn't get stoned any  
12 more. By 9, 9:30, breaking of windows was beginning to  
13 spread on Springfield Avenue and we had a repeat of the  
14 previous night's situation, which was a very difficult  
15 situation which we were going to try to handle at the precinct  
16 level on a containment basis.

17 The Mayor and myself and others went to Police  
18 Headquarters where the prime communications center was.  
19 Director Spina went to the Fourth Precinct and he directed  
20 actions from the Fourth Precinct and I was at the headquarters  
21 with the Mayor and other staff people.

22 Q You and the Mayor arrived at the Police Head-  
23 quarters about what time?

24 A I arrived after the Mayor, somewhere around  
25 nine o'clock.

1 Q About nine o'clock?

2 A Yes.

3 Q What time did Director Spina go down to the  
4 Fourth Precinct?

5 A He had been at the Fourth Precinct shortly  
6 after the police had gone out, probably 7:30 or 8.

7 Q Did you and the Mayor remain at Police  
8 Headquarters?

9 A There is going to be some variation in these  
10 times because I don't have my notes and things like that.

11 Q Did you and the Mayor remain at the police  
12 precinct from about nine o'clock that night throughout the  
13 night and early morning?

14 A Until about five o'clock the next morning when  
15 the Governor arrived, yes.

16 Q Now tell us in substance and in summary fashion  
17 what happened at the Police Headquarters.

18 A Between nine and ten it was very hectic, a very  
19 difficult time. It was clear we had a difficult situation.  
20 The police were receiving increasing numbers of calls up and  
21 down Springfield Avenue.

22 The contained area continued to get larger very  
23 rapidly and we kept committing some additional forces still  
24 out of the Fourth Precinct.

25 You know, during a riot you have to maintain police



1 services.

2 The emergency call-up continued. The first contacts  
3 with the State Police began I guess and we kept them  
4 informed. From ten o'clock to midnight was a very difficult  
5 time.

6 It involved essentially containment and small squads  
7 chasing and keeping the crowds from becoming very large,  
8 keeping them mobile, keeping them moving. I think there was  
9 a great feeling of the fact that we had to give up a good  
10 deal in terms of personal property, smashing of windows and  
11 looting of stores.

12 It was very difficult. It was getting larger. It was  
13 difficult to contain and it was a matter of how strong the  
14 police action was going to be.

15 I would say at that point police restraint was still  
16 an option because we had come through four years of difficult  
17 time without a riot.

18 We had come to a very difficult night the preceding  
19 night where shots were fired and no one was injured and we  
20 were still hopeful, as this thing got under way, that we  
21 weren't in a full-scale riot.

22 It is very hard to know you are in a riot until it is  
23 under way.

24 Q At this point was the Mayor directing police  
25 activity or was Director Spina handling that?

1 A Director Spina was but we were monitoring it.

2 Q What was the Mayor's role as the riots developed  
3 between nine and midnight?

4 A The Mayor's role was to keep tabs on what was  
5 going on, to stay in contact with Dick Spina and to be  
6 available for any decisions about escalating or moving into  
7 a different phase or making any calls in regard to outside  
8 assistance. I think the Mayor from the start took a

9 Q Between nine and midnight were there any  
10 decisions formed?

11 A Between nine and midnight we felt after a very  
12 shaky start that the police were going to be able to handle  
13 it. Somewhere at about 12 or 12:30, Director Spina felt  
14 that we had turned the corner, that the containment was  
15 working, that the damage was very severe in the area of  
16 containment which essentially was on Springfield Avenue and  
17 about 10 or 12 blocks around the Hayes Homes and so forth,  
18 but he felt that the police were beginning to respond  
19 better.

20 He thought he had the crowd moving in smaller groups  
21 and he thought that at the time around midnight he could  
22 begin to move in to make arrests, whereas in the early part  
23 of the evening it had been pretty much a matter of trying to  
24 keep track and respond to calls of persons in danger, of  
25 smashing of windows and some lootings and to keep people

1 moving but there was not an organized or a decision to close  
2 in on the riot area.

3 It was merely an effort to insure that it didn't spill  
4 over. He felt secure enough to leave Fourth Precinct and  
5 come to the Police Headquarters and talk to the Mayor  
6 about it.

7 Q At what time?

8 A I think the Mayor from the start took a  
9 somewhat -- I think the Mayor was inclined to think we  
10 needed help more than the Director did.

11 Q The Director arrived at headquarters from the  
12 Fourth Precinct at what time?

13 A To the best of my recollection it was shortly  
14 after midnight.

15 Q Did he have a meeting with the Mayor?

16 A Yes.

17 Q Can you tell us about that?

18 A By the way, he had been in private phone con-  
19 versation -- and he had an open line.

20 MR. MEYNER: The Mayor was at Headquarters?

21 THE WITNESS: The Mayor was at Police  
22 Headquarters on Franklin Street. He had an  
23 open line to Director Spina and the police  
24 radios were right there.

25 MR. MEYNER: Isn't the headquarters right

1           A       in the municipal building?

2                   THE WITNESS: Right behind it.

3           Q       Will you tell us about the midnight meeting  
4 between the Mayor and Director Spina at Police Headquarters?

5           A       Yes. I think Director Spina felt that the worst  
6 was over and that they could close down and that there was  
7 a possibility and we would tell in an hour that we could  
8 close down.

9                   But he felt that we had a chance and he was trying to  
10 dissuade the Mayor from requesting State help at that time.

11          Q       What decision was made at that time at that  
12 meeting?

13          A       The Mayor felt that if the Director was certain  
14 that he could handle it with the tactical forces that were  
15 available -- we had not yet gone to heavy police commitments  
16 from other precincts. A full alert was on. It began to  
17 escalate from a call for overtime to an emergency callback  
18 to a full alert and that full alert stayed which meant that  
19 the 1,400 men were at least alerted and the Director felt  
20 we could do it so we felt if that were the case we could  
21 do it.

22          Q       This was about midnight?

23          A       Yes.

24          Q       What was the next significant event? Did the  
25 Director stay at the headquarters with the Mayor and you?

1 A He stayed for a considerable time, yes.

2 MR. GIBBONS: What other ranking officers  
3 were at headquarters?

4 THE WITNESS: The pertinent officers were  
5 Chief Kelly and Chief Reddin, Chief of Police  
6 Oliver Kelly and Chief of Patrol, Deputy Chief  
7 Reddin.

8 MR. GIBBONS: Any others?

9 THE WITNESS: They were the only officers  
10 which were pertinent to the Mayor. Rocky  
11 Ferrante, Captain Ferrante, Chief of Intelligence,  
12 was acting with the Mayor.

13 Many police officers came and went but  
14 at that point it was a matter of Director Spina  
15 and the Mayor, they were the top people  
16 involved, with Reddin acting as the field  
17 commander.

18 MR. GIBBONS: And Kelly was what?

19 THE WITNESS: He was the chief admini-  
20 strative officer of the situation and he also  
21 was involved but he was not with us. He was  
22 involved in the business of logistics and  
23 continuing to insure that commands or command  
24 flow was steady, constant and immediate. He was  
25 involved in police duties, not in or only

1 occasionally in the decision-making.

2 I would say Director Spina was very much  
3 in charge of the Police Department at that point.

4 VICE CHAIRMAN BROWN: Was Deputy Chief  
5 Foley there?

6 THE WITNESS: I am certain he was. All  
7 high-ranking officers were there. It was  
8 impossible to tell. Captain Zizza was playing  
9 a role. He is the commander of the Fourth  
10 Precinct and had been the man most people  
11 thought a good deal of in the area in handling  
12 race relations.

13 VICE CHAIRMAN BROWN: Could you tell us  
14 what Chief Foley's advice was at this time?

15 THE WITNESS: Everyone was involved in  
16 containing the riot and seeing if we could do  
17 it quickly and efficiently.

18 VICE CHAIRMAN BROWN: Did he think that  
19 you could contain it without outside help at  
20 12:30?

21 THE WITNESS: Yes.

22 VICE CHAIRMAN BROWN: And Ferrante thought  
23 so too?

24 THE WITNESS: There was consensus somewhere  
25 around midnight that we might be able to do it,

1 not that we could do it but that we might be  
2 able to do it and that if the trend continued,  
3 we would be able to do it.

4 There was not a consensus that we could  
5 do it.

6 VICE CHAIRMAN BROWN: Because you hadn't  
7 committed your people and you merely had a full  
8 alert at that time?

9 THE WITNESS: Also the incident rate was  
10 slowing down.

11 Q Was there a feeling that calling in the State  
12 Police at that time might have some prejudicial effect on  
13 what you thought you were going to be able to accomplish?

14 A No.

15 Q So there was no feeling that the calling in of  
16 the State Police would result in a minus?

17 A No. It was really handled as a tactical matter,  
18 could it or couldn't it be done with the police force  
19 handling it and which was there? The feeling was the  
20 incident rate was coming down, the police were under heavy  
21 pressure and were tense but they appeared to be handling it  
22 with somewhat less tenseness than earlier in the evening.  
23 The arrests were beginning to pick up.

24 They were gearing themselves to handle arrests. The  
25 first decision around midnight there was to begin to increase

1 the rate of arrests.

2 Q By midnight had there been any exchange of fire?

3 A No.

4 Q Had there been any fire power at all on the part  
5 of the police up until midnight?

6 A No. This is midnight of the second night?

7 Q Thursday night going into Friday morning.

8 A That's right. There were no shots.

9 Q Now as of the time this decision was made at the  
10 midnight meeting not to call the State Police --

11 A Somewhere around then, yes, and it was not a  
12 decision not to call the State Police. It was an evaluation  
13 of the situation by Director Spina which bore on the question  
14 of whether or not we were going to have State Police, but  
15 which was not essentially a meeting to decide whether or not  
16 to seek aid.

17 It was a matter of returning to the Mayor to give him  
18 his impression of what was happening.

19 Q Seeking State aid was part of the meeting and  
20 it was decided not to do it, isn't that so?

21 A Yes, but I would be giving a false impression  
22 if I suggested to you that that was the crux of the meeting.  
23 It was not. That was always there. It was the next step,  
24 to seek State help.

25 Q Had headquarters been in touch with the State



1 Police throughout the night?

2 A Yes.

3 Q Now what was the next significant event after  
4 the midnight meeting until the calling of the Governor?

5 A Well, between 12:30 and 1:30 there was a sharp  
6 increase in the number of incidents well out of the  
7 containment area. There was particularly far out in the  
8 South Ward on Elizabeth Avenue, the top of the East Ward,  
9 an oriental place out in the North Ward, and a good deal of  
10 activity in the lower West Ward, Orange Street and so forth.

11 Q Looting activity?

12 A Breaking of windows, gunfire, the first reports  
13 of gunfire between 12:30 and 1:30 and there was a breaking  
14 into the Sears-Roebuck store.

15 VICE CHAIRMAN BROWN: Was that the first  
16 report of gunfire?

17 THE WITNESS: Yes. There had been some  
18 early accounts unsubstantiated of a shot or  
19 two, but some more substantiated accounts or  
20 versions of sounds of shots or reports of gunfire  
21 began to pick up.

22 Q The most frightening or ominous was the  
23 fact that the incidents were way out of the area  
24 of containment, not even close, and the break  
25 at Sears-Roebuck involved the theft of guns.

1           Q       The first report was 50 rifles but it later  
2           A       proved to be I believe 2 dozen guns.

3                   VICE CHAIRMAN BROWN: All right, Mr.  
4           A       Robinson.

5           Q       Just define the area of containment geo-  
6           graphically.

7           A       High Street running down Springfield Avenue  
8           going up to South 10th. That's how big it got eventually  
9           but it was short of what was the ultimate area of contain-  
10          ment which essentially was High Street out to Central Avenue  
11          and back across to Elizabeth and Clinton going up on the  
12          other side.

13          Q       And at 12:30 this area began to grow, is that  
14          so?

15          A       The area which had been essentially around  
16          Bergen, Springfield, yes. It didn't grow. It kind of just  
17          popped out all over.

18          Q       What time did the Sears & Roebuck breaking  
19          and entering occur?

20          A       Well, we got that information somewhere around  
21          1:30.

22          Q       What was that incident?

23          A       There had been a break at Sears & Roebuck which  
24          was way out of the area of containment and that there had  
25          been a large supply of guns stolen.

1 Q Any report of how many guns had been stolen?

2 A At that time the first report was 50.

3 Q Was that later verified?

4 A 20, I believe, or 25.

5 Q MR. WACHENFIELD: How about ammunition?

6 A THE WITNESS: There was no report. It was

7 just that the rifles were stolen. I don't even

8 know in the end if that was pertinent. The

9 point is that it was ominous for us.

10 I don't know whether that would be

11 interesting to see whether we recovered any of

12 those guns or not.

13 I am not sure of that myself.

14 VICE CHAIRMAN BROWN: But it is significant

15 that it was outside of the area?

16 THE WITNESS: Way out of the area so far

17 as we were concerned.

18 Q What steps were taken at headquarters as the  
19 situation gradually grew worse at about 12:30, 1 o'clock?

20 A Well, there was a good deal of pressure on as to  
21 whether the police should use guns.

22 Q Pressure by whom?

23 A I think by police officers.

24 Q Calls coming in?

25 A Yes.

1 Q What was the decision at the time?

2 A I think when gunfire began to pick up that in  
3 response to a question by police officers the dispatcher did  
4 indicate that it was a matter of option, police option.

5 Q What happened next?

6 A The incident rate began to pick up very sharply.  
7 It was much more widespread and by two o'clock the Mayor was  
8 convinced that although we knew we could not get help that  
9 night, that we had a situation which was going to run out  
10 of control on Friday and considering the pressure the  
11 police had been under, he did not think that we were going  
12 to be able to produce sufficient power to be able to prevent  
13 trouble Friday night.

14 MR. WACHENFELD: Up to this time had the  
15 police been ordered not to use their guns?

16 THE WITNESS: They had not been ordered  
17 not to use them.

18 MR. WACHENFELD: Had they been directed  
19 or suggested?

20 THE WITNESS: I think they acted under a  
21 restraint which would have to be understood  
22 rather than ordered.

23 MR. WACHENFELD: Where did that restraint  
24 come from and how could you understand it?

25 THE WITNESS: I think that the Newark

1 police by and large understood, and it is very  
2 hard to explain the background of the Newark  
3 police.

4 MR. WACHENFELD: It is very difficult for  
5 me to understand it.

6 THE WITNESS: I think by and large the  
7 police department understood that the city  
8 administration's attitude toward the police was  
9 one in which they had encouraged police restraint.

10 MR. WACHENFELD: Let's put it the other  
11 way around then.

12 There was no directive or order given to  
13 the police as to what they should or shouldn't  
14 do in reference to their firearms?

15 THE WITNESS: That's right.

16 MR. WACHENFELD: And it was left to their  
17 discretion?

18 THE WITNESS: That's right. Their  
19 discretion in many cases, especially a patrolman  
20 on the beat translated it into orders which were  
21 never given.

22 MR. WACHENFELD: What did you mean when  
23 you testified a little while ago that when the  
24 shooting started from those who were participating  
25 in the disorderly conduct, that they had a

1 reevaluation and determined that they should use  
2 their discretion?

3 THE WITNESS: No. There had been  
4 consistent questions being put forward. A  
5 patrolman will not always get the message from  
6 the top or they will get a wrong message. I  
7 believe many patrolmen were under the impression  
8 they were under orders not to fire.

9 MR. WACHENFELD: Where did they get that  
10 impression?

11 THE WITNESS: I would presume they got it  
12 from their neighboring patrolmen or a sergeant  
13 or a lieutenant.

14 MR. WACHENFELD: Is that the way the  
15 police department usually operates, that they  
16 talk to one another as to what they think orders  
17 are and what the procedure is supposed to be?

18 THE WITNESS: Yes. I think that happens  
19 quite frequently.

20 MR. WACHENFELD: It is unusual.

21 THE WITNESS: Particularly in a three or  
22 four hour riot period. You think it is unusual?  
23 I think not.

24 I think the situation was close to a  
25 combat situation in which the best order you can

1 get is ordered chaos.

2 MR. GIBBONS: Going back to this same  
3 question, the ordered chaos may have originated  
4 out of some confusion in the minds of the  
5 policemen.

6 It certainly has been reported in the  
7 press that policemen were under the impression  
8 that they had been ordered not to fire.

9 THE WITNESS: That's right.

10 MR. GIBBONS: Up until a certain point.

11 THE WITNESS: Yes.

12 MR. GIBBONS: Now you say that there was  
13 no such order?

14 THE WITNESS: That's right. I would say  
15 I could understand that impression.

16 MR. GIBBONS: Does anybody know why that  
17 impression came about or where it came from?

18 THE WITNESS: Yes. I think that impression  
19 came out of four years of administration  
20 insistence that the police go slow in handling  
21 the race relations and Negroes.

22 MR. GIBBONS: Is that administrative  
23 insistence reflected in any manual or policy  
24 statement or bulletin?

25 THE WITNESS: If you recall the 1965

1 suspension of Patrolman Martinez when he shot  
2 Mr. Long, he was suspended and it resulted in  
3 five days of police picketing, so I think that  
4 the relationships in regard then to the city  
5 administration --

6 VICE CHAIRMAN BROWN: You mean the police  
7 picketed, not that they were picketed?

8 THE WITNESS: The police were picketing.  
9 I think that the administration policy of police  
10 restraint was one which was presumably not shared  
11 by many policemen.

12 MR. GIBBONS: How did the policeman get  
13 knowledge of this administrative policy of  
14 police restraint?

15 THE WITNESS: I think Addonizzio's views  
16 on police and the community were very well known.  
17 They had been enunciated at various police  
18 graduation ceremonies, his performance in  
19 previous civil rights matters and in general,  
20 his attitude in regard to police and community  
21 relations.

22 MR. GIBBONS: Well now, there is a specific  
23 item that was reported in the press and more  
24 than once that at one point a radio car was  
25 being harassed, having things thrown at it or



1 something and asked what he should do and  
2 received an order to get out of there.

3 Q Was such an order given?

4 A THE WITNESS: A patrolman calls to a  
5 dispatcher. A dispatcher responding "Get out  
6 of there" is not an order. It is a dispatcher's  
7 response.

8 Q MR. GIBBONS: How does a man in a patrol  
9 car get an order except from a dispatcher?

10 A THE WITNESS: The question was, did Dick  
11 Spina as Director of the Police Department  
12 indicate to that dispatcher that that man  
13 should get out of there?

14 A The answer is no. Police Director's

15 Q MR. GIBBONS: No, that is not the question  
16 at all.

17 A THE WITNESS: It was a low level decision.

18 Q MR. GIBBONS: The low level decision had  
19 to be made on the basis of somebody's policy.

20 A THE WITNESS: I think the policy was not  
21 to fire, although it was not enunciated in a  
22 specific order.

23 Q The policy was an attempt to control the  
24 activity without killing anyone. I think that  
25 was very clear.

1 MR. GIBBONS: You can't have it both ways.  
2 Either the Police Department had been informed  
3 of a policy that they were supposed to exercise  
4 extreme restraint and not fire or not.

5 THE WITNESS: That's another story. I  
6 split your question. The Police Department had  
7 been informed to exercise restraint. It had not  
8 been informed not to fire.

9 MR. GIBBONS: How had they been informed  
10 that they should exercise restraint? Was this  
11 in some order?

12 THE WITNESS: I think the Mayor and the  
13 Police Director had made it clear or the Mayor  
14 had made clear with the Police Director's  
15 agreement and all top-ranking officers that we  
16 would attempt to contain the problem by in  
17 effect permitting the destruction of some  
18 property in areas which we could not get at  
19 people without causing death.

20 MR. GIBBONS: How was that made plain?

21 THE WITNESS: The police plan was in the  
22 case of a serious disorder, with the agreement  
23 of the Mayor, to contain the disorder rather  
24 than to stamp it out at the root with gunfire  
25 and with killing, in the hope that it would run

1 down and they would be able to contain it and  
2 then move through the area and close it down  
3 with arrests and without killing.

4 Now I think that was very well understood  
5 by all top-ranking officers in the Police  
6 Department. I think that as a result, as it  
7 continued to communicate itself downward through  
8 those hours it translated at the bottom into a  
9 no fire at any cost kind of situation.

10 But there was no such order enunciated  
11 but it was very much the policy to try to close  
12 the thing down without the use of killing  
13 force.

14 VICE CHAIRMAN BROWN: Just one question.

15 In fact there was no gunfire by police or anybody  
16 until 12:30, is that right?

17 THE WITNESS: Occasionally. That's when  
18 there were confirmed reports. There had been  
19 occasional reports before that time.

20 Q In retrospect what is the administration's view  
21 now of that no fire containment type policy?

22 A It is very hard to order people to kill other  
23 people but I would say that the key decision in a riot is  
24 when to apply force and I would suggest that when it needs  
25 to be applied it needs to be applied forcefully. I am not

1 an expert in this matter.  
2 I only know what I felt and what I saw at headquarters  
3 the first night and through the rest of the riot. I believe  
4 there is only one way to stop a riot and that's early. I  
5 think the only way you can stop it is by very forceful  
6 action at the right time and that right time is almost  
7 always very early in the matter.

8 Once the thing begins to run out of control it is  
9 beyond the capacity of the Police Department to handle  
10 without gross killing of people.

11 It is very much like a giant wave which breaks on the  
12 beach and the normal police are here to maintain order, not  
13 to handle riots. It is impossible to a municipal police  
14 department established as ours was and as most are to deal  
15 effectively and quickly and continuously with civil disorder  
16 on the scale that we had in Newark.

17 It is just impossible. It can't be done. I think the  
18 key is to determine whether or not you have got a developing  
19 riot situation, which is certainly a most difficult decision  
20 to make.

21 You have got to have better and faster communication.  
22 You have to have the tools to evaluate at once where you are  
23 in this situation, not from a patrolman, not from a sergeant  
24 but from direct observation.

25 Then you have got to have this genius of knowing that

1 you are about to go into a riot situation because many riots  
2 as you saw in the movie, they look like any other civil  
3 rights demonstration and when they begin you have to know  
4 the right moment and you have to have the capability to  
5 produce the force which is required.

6 So there are two points: A, recognition of the fact  
7 and a decision to employ force, and B, the capability to  
8 respond with the proper amount of force at that time.

9 VICE CHAIRMAN BROWN: And third, perhaps  
10 to recognize the critical time?

11 THE WITNESS: That's the key. But once  
12 you have recognized it, then you have got to  
13 be able to produce the force quickly to cut it  
14 off.

15 VICE CHAIRMAN BROWN: Now to follow the  
16 question, in retrospect again and which in  
17 hindsight I recognize as being an aid here that  
18 is of course not available, what would you in  
19 retrospect and from your total impression feel  
20 was the critical time to have applied maximum  
21 force if you were going to apply it?

22 THE WITNESS: I can't say.

23 VICE CHAIRMAN BROWN: I followed you from  
24 9 to 12:30 or 9 to 12 was the time of grave  
25 concern.

1 THE WITNESS: In retrospect I would say  
2 the problem was really in front of the precinct.

3 VICE CHAIRMAN BROWN: That would have been  
4 about eight o'clock?

5 THE WITNESS: 7:30, 8 o'clock. I would  
6 say that the police response to that problem and  
7 the give-and-take in front of the precinct was  
8 the beginning of the Newark riot.

9 VICE CHAIRMAN BROWN: Still you would not  
10 necessarily recommend it at that time?

11 THE WITNESS: I would say that very strong  
12 force along Springfield Avenue, into Bergen, in  
13 that area at that point might possibly have  
14 avoided it but I don't believe the police had  
15 sufficient force to produce that.

16 VICE CHAIRMAN BROWN: That doesn't  
17 necessarily include gunfire anyway, does it?

18 THE WITNESS: A show of force.

19 BISHOP TAYLOR: That was the question I  
20 wanted to raise. What do you mean by the show  
21 of force?

22 You are not saying that you ought to start  
23 killing early?

24 THE WITNESS: Oh, no. What I mean is to  
25 produce disciplined and impressive show of force.

1           BISHOP TAYLOR: Numerically?

2           THE WITNESS: Numerically, in terms of  
3           equipment, in terms of determination, in terms  
4           of what appears to be at least to those observing  
5           a careful, determined plan to insure that there  
6           aren't going to be any further problems.

7           MR. MEYNER: But at 12:30 you did not have  
8           a massing of the 1,400 or a substantial portion  
9           of them? You were still under precinct control,  
10          weren't you?

11          THE WITNESS: No. It had passed to a full  
12          alert prior to that.

13          MR. MEYNER: Were there any people from  
14          the other precincts in the area?

15          THE WITNESS: Yes. By 12 o'clock there  
16          were.

17          MR. MEYNER: Where were they, in the  
18          stationhouse?

19          THE WITNESS: No. You can't bring 1,400  
20          people to bear when you have a 1,400-man  
21          police force.

22          MR. MEYNER: Were they all in cars?

23          THE WITNESS: No. They were in squads  
24          moving in the streets.

25          We now had a situation which was beginning

1 to extend to 30, 40, 50 blocks.

2 You can't bring to bear 1,400 men. You  
3 have got to cover the other four precincts. You  
4 have to arrange for shifts. I think the maximum  
5 a police department like Newark could probably  
6 bring to bear I would guess would be four or  
7 five hundred men.

8 MR. GIBBONS: During the course of the  
9 evening was any consideration given to the use  
10 of the Municipal Assistance Act so that you  
11 could borrow men from surrounding municipalities  
12 and free more of your own men for use in the  
13 troubled area?

14 THE WITNESS: There was some very brief  
15 talk about it.

16 MR. GIBBONS: What was the result?

17 THE WITNESS: Our department is 1,400  
18 men. Our surrounding departments are 8 men,  
19 10 men, 12 men.

20 MR. GIBBONS: You still couldn't bring  
21 1,400 men to bear unless you borrowed some from  
22 the surrounding municipalities?

23 THE WITNESS: You are talking about how  
24 you free men from your other precincts to bring  
25 them in. It is impossible, I am told by the



1 police, to use State Police, National Guard or  
2 other policemen in your precincts to respond to  
3 routine police calls because they don't know  
4 the area.

5 A State patrolman who is patrolling the  
6 North Ward who gets a call to go to 17 Dresden  
7 Street wouldn't know where that is.

8 MR. GIBBONS: The City of Camden took a  
9 different approach.

10 THE WITNESS: What was that approach?

11 MR. GIBBONS: They massed their own men  
12 in a potential trouble area and let the State  
13 Police patrol the rest of the city during the  
14 critical period.

15 THE WITNESS: That's what was eventually  
16 done in Newark but you had to call the State  
17 Police first.

18 That was the point which we are talking  
19 to now.

20 VICE CHAIRMAN BROWN: That is the point  
21 of judgment to which you made reference.

22 THE WITNESS: We hadn't made the decision  
23 as Camden had done yet to get the State Police.

24 VICE CHAIRMAN BROWN: Perhaps we are going  
25 into technical police questions.

1 THE WITNESS: I agree. I want to give an  
2 overview of how it happened to us.

3 VICE CHAIRMAN BROWN: He doesn't pretend  
4 to be qualified in those areas and we will have  
5 other witnesses on that.

6 THE WITNESS: The Mayor's problem was to  
7 get an evaluation of the police opinion of what  
8 was going on and he had to make the decision of  
9 whether or not to call the State Police.

10 VICE CHAIRMAN BROWN: May I just poll the  
11 Board to make sure we covered this critical  
12 point?

13 Any more questions?

14 BISHOP TAYLOR: No.

15 MR. MEYER: No.

16 MR. WACHENFELD: I have no questions  
17 excepting the comments that the questions asked  
18 pertain to the testimony that the witness gave.

19 VICE CHAIRMAN BROWN: I know but we have  
20 to go beyond the point here. The witness is  
21 testifying as to a role which he played which  
22 is not that of the technical police and therefore  
23 my only suggestion -- and I am to be bound by  
24 your feelings -- is that if we go more quickly  
25 and leave this as a place of further interroga-

1           tion with more skilled men it would be a better  
2           procedure.

3           THE WITNESS: I am trying to give you an  
4           overview of how it looked to us.

5           VICE CHAIRMAN BROWN: Proceed, Mr. Robinson.

6           Q       On that point you said it is important for the  
7           administration, that is, the Mayor, to have communications  
8           in order to get the facts that he can evaluate them, correct?

9           A       That's right.

10          Q       Do you feel that you had proper communication  
11          tools or do you have some recommendations for tools that  
12          might be necessary for future use?

13          A       I think that the Newark Police Department had  
14          fair and good communications but I think it could be  
15          improved. I think any police department's ability to know  
16          what is going on at a scene of disorder or particular  
17          activity could be improved.

18          We have gone now to a television monitoring type of  
19          situation which the television cameras would be brought to  
20          bear at street corners or in the area from rooftops so that  
21          top officers at headquarters monitoring the scene could have  
22          the instant information from many different points without  
23          the interpretation of patrolman to sergeant to lieutenant  
24          to radio to dispatcher to them, so that they would have  
25          instant observation of the entire scene.

1 Q Was the Mayor kept adequately informed?

2 A I would say yes, up to that point.

3 Q That wasn't a problem?

4 A No problem at all, up to that point.

5 VICE CHAIRMAN BROWN: The point is 12:30  
6 to 1:30?

7 THE WITNESS: Yes. We are now closing in  
8 on two o'clock when the Mayor is convinced the  
9 situation is out of hand.

10 VICE CHAIRMAN BROWN: The question was  
11 directed towards this: Was the Mayor informed up  
12 to this point?

13 The point is about two o'clock?

14 THE WITNESS: Yes. Up to two o'clock we  
15 felt very well informed of what was going on.

16 Q What happened next?

17 A At two o'clock, to us the situation was out of  
18 hand. The thing was well beyond the area of containment.  
19 There were rather increasing reports of gunfire, some now  
20 confirmed. I think the Mayor at two o'clock called the  
21 situation ominous and we had a meeting at two o'clock again  
22 to determine where we were and what we were going to do and  
23 the Mayor was certain that his sense of the situation was  
24 that we were at that point close to being out of control but  
25 that even if we did maintain control, at the rate the police

1 were responding they would not be in condition to handle the  
2 morning traffic and everything else which was due to come  
3 into Newark and to get through the day and then to prevent  
4 a riot or continuation of the riot on Friday.

5 He felt the momentum was increasing at two o'clock.

6 Q Who participated at that meeting?

7 A Spina and everyone else, Norman Schiff,  
8 corporation counsel, myself and others.

9 Q What was the decision?

10 A There had been some preliminary calls made to  
11 the State Police and the Mayor's decision was to call the  
12 Governor and request the State Police and the National  
13 Guard, although we were aware that they could not give us  
14 assistance that night, he felt it was imperative for the  
15 rest of Friday and for Friday night.

16 Q What time was the call placed?

17 A 2:20.

18 Q From the Mayor to the Governor?

19 A Yes.

20 Q He requested assistance?

21 A Yes. He asked for the State Police and the  
22 National Guard.

23 Q What happened?

24 A Well, we thought we had made the message quite  
25 clear and he responded that he would check with the Attorney

1 General and find out precisely what the niceties of the  
2 operation were.

3 Then we waited a while.

4 Q How long?

5 A Just a few minutes. I heard from the Associated  
6 Press, of all people, who informed me that the Governor was  
7 unsure as to whether we were requesting the State Police and  
8 the National Guard or just the State Police.

9 So we called the Governor again and made it clear that  
10 we wanted the State Police and the National Guard.

11 Q How much time between the two phone calls?

12 A A very few minutes. I would say the call to  
13 the Governor and his reaction time and so forth was good.  
14 In other words, there was no great confusion and no great  
15 debate about it. I presume he had been kept alert by the  
16 State Police of what was going on.

17 Q Did you then get a call back that help was  
18 on the way?

19 A Yes. We then put that on the police radio.

20 Q It is now about what time when you put it on  
21 the police radio?

22 A 2:30.

23 Q What events occurred?

24 A The police cheered, which was a very touching  
25 moment, I thought, for Newark.

1 Q What events occurred between 2:30 and 8 a.m.  
2 from your vantage point at Police Headquarters?

3 A The situation got worse.

4 Q What happened?

5 A About five o'clock the Governor came and we all  
6 went to the armory.

7 Q Between 2:30 and 5 what was the activity at  
8 Police Headquarters?

9 A It was just getting worse and there was a lot  
10 of gunfire and we killed somebody about four o'clock.

11 Q Was an order given from Police Headquarters to  
12 use gunpower if necessary?

13 A I think earlier, somewhere around two o'clock,  
14 before we called the Governor, a dispatcher had indicated  
15 that the standing order of the day was to return fire if  
16 fired upon.

17 Q Did that come from Director Spina or from the  
18 Mayor?

19 A There was need for clarification. We had  
20 clarified that if you were fired upon, to fire back, yes.

21 Q That was issued at about what time?

22 A It is not clear to me but it was before we  
23 called the Governor.

24 Q At five o'clock the Governor arrived?

25 A Somewhere around five o'clock.

1 Q Where did he arrive?

2 A At the armory. We arranged to meet at the  
3 armory. So we went across to the armory and quite a wild  
4 drive it was to get there. We met him there with the first  
5 contingents of Colonel Kelly and the State Police.

6 Q At the armory was a meeting held to decide how  
7 the situation would be handled, what the chain of command  
8 would be?

9 A Yes.

10 Q What was decided upon?

11 A The State Police would control the National  
12 Guard. The National Guard would not have police power and  
13 would respond only in support of the State Police. Colonel  
14 Kelly would be the commander of the State Police and the  
15 National Guard.

16 The Newark Police, of course, would remain under  
17 Director Spina coordinating with Colonel Kelly. Colonel  
18 Kelly became the effective commander at about five o'clock  
19 that morning.

20 Q What role was assigned to the Mayor and his  
21 group?

22 A There were no roles assigned. The governor came  
23 and we were with him. His staff began to feed in as the  
24 day went by. I would say that at about five o'clock in the  
25 morning, control of the Newark situation passed to Colonel



1 Kelly and Governor Hughes.

2 Q Now did the Colonel and the Governor remain in  
3 communication with the Mayor? I wonder if you would define  
4 for us what the relationship was beginning at that time.

5 A To give you an overview -- I know what you are  
6 after -- I would say this, that for the first day and a half  
7 there was some difficulty in coordinating Newark Police  
8 action with the action of the State Police and the National  
9 Guard.

10 After a day and a half that situation smoothed out and  
11 it appeared to us in our evaluation that the police  
12 communications were good after the first day and a half of  
13 getting established.

14 The Newark Police and others ran into a number of  
15 technical problems, like having only one wave length  
16 available and so forth.

17 After the establishment at the army of Chief of  
18 Police Kelly, the relationships and coordination between  
19 the police was generally good.

20 That's at the operational level. I don't ever think  
21 that at the command level communication was ever good  
22 between the Governor and the Mayor.

23 I think there were many difficulties at that level.

24 Q Could you tell us what they were?

25 A I think by and large, the Mayor was not permitted

1 to share in many of the decisions made by the Governor.

2 Q Can you give us several of the key decisions  
3 that the Governor made in which the Mayor was not permitted  
4 to participate?

5 A I wouldn't say the Mayor was not permitted to  
6 participate. I would say that the Governor took a very  
7 aggressive and very strong attitude from the moment he  
8 arrived in Newark.

9 In fact, I think he arrived with that attitude.  
10 He is a very forceful man and I think that he was in command  
11 from the moment he got here and that he pressed and he was,  
12 by the responsibilities of his command, because after all,  
13 he is the commander-in-chief of the State Police and the  
14 National Guard -- that he often overlooked the need to  
15 communicate.

16 I don't think it was intentional. I think it just  
17 happened. I think it was continuous and it was a source of  
18 great concern to us.

19 Q Now were certain decisions made by the Governor  
20 with which the Mayor disagreed, either at the time or now?

21 A I would say just that all the decisions that  
22 were made with respect to riot control were made by the  
23 Governor often without agreement or without consultation  
24 with the Mayor, although he attempted at times to do so. I  
25 am talking about the Governor. The Governor was under great

1 pressure at the time and he was moving around a good deal  
2 and he got in the habit of having persons have quite long  
3 waits for him.

4 That went for the press, it went for city officials  
5 and it went for others. I think it was an irksome matter  
6 and very badly handled.

7 Q Did the Governor make any decisions, that is,  
8 any key decisions with which the Mayor disagreed?

9 A I would answer that by saying that I don't  
10 think that there were any decisions which affected the  
11 police operations in closing the riot with which we were in  
12 disagreement.

13 I think that our disagreements were over the methods  
14 to approach the community, the general tone of the Governor's  
15 stance on television and to the community which we felt was  
16 overly rigid.

17 I don't think that there were any specific decisions  
18 except perhaps in terms of providing police, State Police  
19 coverage or National Guard coverage for firemen, in which  
20 we felt there was undue delay.

21 We were generally advocates of closing the riot down  
22 with as much firmness as possible but looking forward to  
23 what kind of community was going to come out of it and I  
24 think that the Governor and his staff were much more con-  
25 cerned with the tactical matters involved.

1 MR. GIBBONS: Specifically do you recall  
2 any discussion between the representatives of  
3 the city administration and the representatives  
4 of the State on the issue of closing Springfield  
5 Avenue and Clinton Avenue and South Orange  
6 Avenue traffic?

7 THE WITNESS: Yes. That came up early.  
8 It was decided upon jointly so far as I know.

9 MR. GIBBONS: Was there any disagreement  
10 over that?

11 THE WITNESS: No. I think the Mayor  
12 wanted a city-wide closedown which the police  
13 people all around felt was impossible. I think  
14 the Mayor had advocated that early.  
15 Then there was an argument over whether  
16 the Newark Police --

17 MR. WACHENFELD: My recollection of the  
18 record is that it is quite to the contrary.

19 THE WITNESS: The Mayor felt even with  
20 Dick Spina the previous night that we should  
21 close off the city and he voiced that opinion on  
22 many occasions.

23 VICE CHAIRMAN BROWN: Did Director Spina  
24 disagree?

25 THE WITNESS: He thought it was impossible.

1 VICE CHAIRMAN BROWN: When the State Police  
2 came in did they have any such suggestion?

3 THE WITNESS: The State Police talked  
4 about shutting off traffic, yes. The Mayor  
5 talked about shutting down the city. I think  
6 that there was a lot of--

7 VICE CHAIRMAN BROWN: When you say shut  
8 down the city do you mean cordon it off or what?

9 THE WITNESS: Close it off, period, no  
10 traffic in and no traffic out. The State Police  
11 said it was impossible because of the state  
12 highways and whatever that went by the city.

13 Then they were arguing, as I recall, for  
14 a closing down of the area itself so that they  
15 could have freedom of movement within the area.

16 Then there was a lot of back and forth  
17 over what traffic problems would result.

18 VICE CHAIRMAN BROWN: Back and forth  
19 between whom?

20 THE WITNESS: Local police and State  
21 Police.

22 Colonel Kelly was an advocate of not  
23 having a city-wide closedown but of closing  
24 down the streets in the prescribed area so that  
25 his people could have freedom of movement.

1           There was a lot of feeling that we were  
2 well into Friday by that time and how we were  
3 going to get people out and so forth and so on.

4           But his view prevailed I think after some  
5 initial confusion on the part of us and the  
6 local police over what we wanted.

7           The question was what did the Mayor want?  
8 The Mayor wanted to close down the whole city  
9 and wanted to do it from the beginning.

10          I think Director Spina felt that the State  
11 Police would never support the idea of closing  
12 the city. They said it was impossible. They  
13 wanted the area closed so that they could move  
14 without any traffic at all.

15          I think the city police took a little time  
16 to convince them, particularly on Friday.

17          BISHOP TAYLOR: How do you close down a  
18 city?

19          THE WITNESS: You close it down by  
20 diverting traffic and by establishing city-wide  
21 curfew.

22          No cars will be on the street after ten  
23 o'clock, period.

24          MR. MEYNER: How do you maintain essential  
25 services? How do you get the people in and out?

1 THE WITNESS: You don't. They stop as they  
2 did in Milwaukee. They just stopped.

3 MR. GIBBONS: Newark is a little bit  
4 difficult because Route 21 runs right through.

5 THE WITNESS: That is precisely the  
6 problem.

7 VICE CHAIRMAN BROWN: Because of the  
8 restriction of time of the members of the  
9 Commission, I think we should let Mr. Robinson  
10 handle it from here on.

11 THE WITNESS: Bear in mind that Milwaukee  
12 had just that and had similar problems. We  
13 were not prepared to do that in advance and could  
14 not do it.

15 Colonel Kelly's problem was he wanted no  
16 traffic within the riot area, what we determined  
17 to be the riot area, so that his people and  
18 police vehicles could move without traffic and  
19 was determined to get it and he didn't care and  
20 I think he was right.

21 So after the police saying "Well, we have  
22 to get people out of the town that night", and  
23 you see, Friday was really the worst day in terms  
24 of looting.

25 It was rather idiotic to attempt to ride

1 down Springfield Avenue, to see people getting  
2 in and out of the city while mobs were running  
3 along the sidewalk taking television sets and  
4 so forth.

5 Many persons had quite a close view of  
6 the riot. It was just insane. There was some  
7 confusion about getting people back out because  
8 many people had come into Newark on Friday.  
9 After that the traffic was shut down.

10 Q Now you have given us the pre-riot, the riot  
11 and now just a few questions on the future.

12 What steps has the administration taken or is it  
13 taking or does it intend to take to prevent another one?

14 A To prevent a riot? What has the city done since  
15 the riot? How do you attack the deep-rooted problems in  
16 American society? How does a city government do that? How  
17 do you eliminate bigotry and discrimination and the lack of  
18 job opportunity, inferior education?

19 How do you do that? What you do is to turn yourself  
20 to those responsibilities which you have and try to perform  
21 them more accurately, if that's the word, than you have in  
22 the past.

23 You try to orient yourself to exercising those  
24 responsibilities you have in the manner which you hope will  
25 be beneficial to a city in crisis and to a people in crisis.



1 There is no simple explanation. If you are talking about  
2 the deeper roots of the problem, there is no simple  
3 explanation.

4 In terms of how many police shotguns you order and  
5 whether you have dogs or machine guns or airplanes, well,  
6 yes, those are short-term things and we have taken a number  
7 of steps.

8 In the long range you try to move forward with the  
9 housing problem, you try to reorganize and reorient your  
10 housing problem and your anti-poverty program so that you  
11 could get some of the bitterness and fighting out of it so  
12 you could bring more service to the people.

13 You worry about federal aid and what is going to  
14 happen to the tax rate and how you are going to pay for  
15 these things. You try to convince people of the extent of  
16 your problems and they listen for the first few weeks after  
17 a riot and then they begin to drift away somewhere.

18 You try to convince the federal government that you  
19 need help and they get involved in a congressional dispute  
20 over how much.

21 You try to convince the Governor that he has to give  
22 more money and he must in all honesty ask where is he going  
23 to get it.

24 Our analysis of the state budget now is that it would  
25 take twice the state budget to provide the average state per

1     capita expenditure and the average per capita expenditure  
2     for states is about \$300 in the United States of America,  
3     New York State being average, \$301. New Jersey is half  
4     that.

5             It would require a doubling of their budget simply  
6     to be an average state in terms of health and how in the  
7     world can the Governor double the state budget?

8             VICE CHAIRMAN BROWN: I am going to  
9     violate my own rule just to bring it down a  
10    little more specifically.

11            Are you still working with the U.C.C.,  
12    working in terms of these leaders here?

13            THE WITNESS: Yes.

14            Here are some of the things which are  
15    hopeful and positive as opposed to some of the  
16    things which were negative and destructive.

17            Passing the middle income housing bill  
18    and the FHA's relaxation -- the FHA had been  
19    very rigid in its approval and we think that  
20    they will be more moderate. They have approved  
21    two low rise cooperative extensions to High Park  
22    Gardens which they had dallied with a long time.  
23    They are going to approve another for bricklayers  
24    union which will be helpful.

25            They think they are going to approve a

1 fourth project for an all-Negro sponsored group  
2 up on High Street.

3 The insurance companies have come around  
4 to help with the state middle income housing  
5 bill and they will be getting a big project off  
6 the ground next week.

7 That's middle income housing cooperative.  
8 We have proceeded with a request for 900 low  
9 rise public housing units for large families.

10 So in housing we think the impact of the  
11 state middle income housing bill plus the effect  
12 of the continuous rioting on the FHA will help  
13 us and most cities in New Jersey and in the  
14 case of the FHA, in the country.

15 In terms of the anti-poverty program or  
16 generally anti-poverty efforts, we think we are  
17 going to need more federal money and better  
18 organization locally with less concern about  
19 fighting City Hall and more concern with  
20 helping City Hall.

21 That's what we want out of the anti-  
22 poverty program and that's what we intend to  
23 get. We think people are too much in need of  
24 services to concern ourselves with the niceties  
25 of who is the mayor and who isn't and how it is

1 going to be.

2 We hope in some manner to establish among  
3 our competing fledgling politicians in Newark  
4 some areas of non-partisanship and perhaps get  
5 some agreement that a campaign happens once  
6 every four years and that the other three years  
7 we can cooperate and get along somehow.

8 I think in terms of communication it was  
9 clear to us that, as Mr. Brown asked earlier, a  
10 lot of people who say they communicate or who  
11 think they are communicators are not and that  
12 you live with an under-class and that when you  
13 turn that class over and those people become  
14 part of any kind of system, be it anti-poverty  
15 program or itself, they leave behind the  
16 under-class and it is often hard to determine  
17 who is down in there and what the moods are and  
18 what people are being helped and what percep-  
19 tions are in the worst of our areas and among  
20 the persons who are suffering the most.

21 We are attempting to establish better  
22 communication, clearer communication, with  
23 people we think were left out altogether by us,  
24 by the poverty program, by whatever groups,  
25 social agencies that were at work in Newark.

1 Clearly most people felt they were not  
2 participating in life as it ought to be in  
3 Newark. They rioted.

4 We have tried through the hiring and  
5 through the bringing into association, bringing  
6 to us a lot of persons who would not normally  
7 be the type of persons this committee would accept  
8 as City Hall aids, persons with records, persons  
9 who we have identified as having the leadership  
10 capability among really disaffected persons in  
11 the city. That has been pertinent.

12 Trying to straighten out the poverty  
13 thing, we have a new administrator and we are  
14 in the process of reorganizing the anti-poverty  
15 agency which is good.

16 We have opened the big Manpower Training  
17 Program with neighborhood centers, one of them  
18 being at Springfield and Bergen, which was the  
19 heart of the riot area.

20 It was the first real storefront operation  
21 in terms of training and manpower that we have  
22 had in Newark and I think that looks reasonably  
23 hopeful.

24 I think these are the positive things,  
25 housing, some improvement in housing, a change

1 in the poverty effort, the Manpower Program is  
2 very encouraging and this attempt to establish  
3 different, new persons and means of communication.

4 These have been the positive things since  
5 the riot. I think there have been other negative  
6 forces but these are the things we are trying to  
7 do and those are key areas.

8 We are also trying to come to some agree-  
9 ment on that medical school issue too by  
10 involving community groups in planning the area  
11 around the medical school.

12 Q Does the administration believe, again in  
13 retrospect, that it made any mistake in the year preceding  
14 the riot?

15 A I can only refer back to the Mayor's statements  
16 after the riots in which he said we are all at fault and we  
17 have all made mistakes.

18 Q Can you give us any specific mistakes that the  
19 Mayor believes his administration made?

20 A Well, it is clear that by allowing the medical  
21 school relocation issue to become so confused and in fact  
22 to let the medical school issue itself become so confused,  
23 so difficult to follow, so intricate in the negotiations and  
24 much of this had to be in closed rooms and that is always  
25 difficult, I think that we got into a situation where people

1 felt you had to be either pro-medical school and against  
2 housing and we were unable to dig ourselves out of that  
3 hole.

4 I think that there were a number of errors or not  
5 errors but we recognize our inability to respond to the  
6 community confusion which developed over the medical school  
7 issue.

8 We tried and didn't do it, so we would have to do it  
9 better the next time.

10 Q What other mistakes does the administration  
11 believe it made?

12 A I think we should have acted much more quickly  
13 in the anti-poverty situation, before this year. I think  
14 that agency should have been squared away two years ago.

15 Q Any others?

16 A It is difficult to say. In general, when you  
17 reevaluate your performance you find areas of error all  
18 along the line.

19 By and large, we felt that we were acting in the  
20 community's interest at all times and still feel that way,  
21 that we had in an election been endorsed a year ago to  
22 exercise the responsibilities for poverty, jobs, programs,  
23 whatever, all the problems of the city and we tried to  
24 exercise them.

25 We made errors as we had in the first four years and

1 probably will continue to do so.

2 In our reevaluation I must say that we don't feel  
3 ourselves to be villains. We feel ourselves to be people  
4 who tried to do a job and who couldn't convince enough  
5 people that we were doing it or if we could, we are not sure  
6 that that would have been pertinent to the riot.

7 The one lesson that comes out of a riot -- and I hope  
8 this Commission understands it -- is that any man who sits  
9 in this chair or any of you who think you have an answer  
10 and you can articulate it, you are off base because there  
11 isn't any single answer.

12 Negro awareness is not the only answer. Ethnic group  
13 empowerment, as Mr. Teague, one of our Negro leaders in  
14 town has referred to black power as ethnic group empowerment,  
15 that is not the answer.

16 They are all parts of an answer. Really the thing I  
17 found out in this riot or out of this riot is that there  
18 aren't any single answers or easy answers to the thing and  
19 to be careful of anyone who thinks he does have an answer.

20 VICE CHAIRMAN BROWN: In terms of answers  
21 in respect to what is occurring now, do you find  
22 in the white community that there is a growing  
23 hostility, some call it hatred, some call it a  
24 violent reaction towards Negroes, do you find  
25 in the broad community, that is, disregarding



1 extremists, white or Negro extremists, which is  
2 irrelevant, do you find in that broad middle  
3 spectrum an increasing reaction against Negroes  
4 in the white community which could be described  
5 as hostility, a hatred by comparison with  
6 pre-riot?

7 THE WITNESS: I think civil rights was  
8 dealt a very hard blow by the riot.

9 VICE CHAIRMAN BROWN: We have heard many  
10 witnesses and sometimes our questions reflect  
11 what they have said.

12 I am reflecting what one witness said. He  
13 felt that the whites have increased hatred.

14 THE WITNESS: I don't like the word  
15 "hatred". I would say fear and hostility or I  
16 think there is a great deal less patience in  
17 the white community.

18 VICE CHAIRMAN BROWN: We are talking now  
19 about the great middle group?

20 THE WITNESS: Yes. I am not talking about  
21 extremists.

22 VICE CHAIRMAN BROWN: No. Neither side.

23 THE WITNESS: I think in the middle group  
24 of white persons in Newark and around Newark  
25 that there is much less patience, much less

1 understanding.

2 VICE CHAIRMAN BROWN: And reaction against  
3 Negroes? Is that a good description?

4 THE WITNESS: I would rather describe it  
5 as saying much less patience, much less  
6 understanding with the problems of the Negro and  
7 the problems of the city than there was before  
8 this riot.

9 VICE CHAIRMAN BROWN: What does this bode  
10 for the city in its immediate future as far as  
11 the possibility of further violence and further  
12 riot reaction?

13 THE WITNESS: Well, I don't know about  
14 riots and violence. I don't make predictions  
15 any more.

16 VICE CHAIRMAN BROWN: Serious disturbance.

17 THE WITNESS: Another thing I learned is  
18 don't make any more predictions.

19 VICE CHAIRMAN BROWN: What I said was,  
20 what is your sense as of now?

21 THE WITNESS: My sense is that aggressive  
22 civil rights programming or novel poverty  
23 programming is in for a very hard time.

24 VICE CHAIRMAN BROWN: My question again is  
25 trying to be one that is intelligent and concerned

1 and considerate.

2 In no sense do you feel there is imminent  
3 friction predictable?

4 THE WITNESS: The riot has produced in  
5 Newark a great fear and resulting from that  
6 fear perhaps increased hatred and hostility to  
7 Negroes.

8 I don't think I have ever in my ten years  
9 here in New Jersey and around Newark felt such  
10 clear lack of patience and understanding among  
11 whites as I feel today.

12 VICE CHAIRMAN BROWN: Is it escalating or  
13 is it leveling off as far as you can sense?

14 THE WITNESS: It is very early. It is  
15 only three months since the riot. I would say  
16 it is at a very high level. However, the Mayor  
17 has tried out some very strong civil rights  
18 talks before some groups which we would not  
19 consider to be immediately receptive, that is,  
20 to the police, the police graduation ceremonies,  
21 into a very partisan Italian Anti-Defamation  
22 League in which he made a very pro-civil rights  
23 talk.

24 Although the reaction was not overwhelming  
25 in terms of cheers and applause and response,

1 the response moving around in the group afterward  
2 was very encouraging both times.

3 I think that a lot of people want to help  
4 again. There is still a tremendous reservoir  
5 of good will. It is being obscured as a result  
6 of the riot.

7 BISHOP TAYLOR: Are you dealing with a  
8 white-black controversy? Are you not involved  
9 in a tremendous world-wide revolution in which  
10 everybody pays the price?

11 Do you have the options that you are  
12 talking about of whether the white man is going  
13 to agree or consent to be helpful or useful or  
14 do we have the option to find some common  
15 denominator around which our society can express  
16 a common equality of the people or give up the  
17 struggle of claiming to be a democracy or  
18 perhaps in the long run give up survival?

19 THE WITNESS: I think this: That the nation  
20 is facing a crisis. I don't think it is the  
21 first one we faced. I think the Civil War was  
22 a crisis.

23 I think the social revolution of the  
24 thirties was a tremendous test and a tremendous  
25 crisis for the country. We are facing another.

1                   BISHOP TAYLOR: Aren't you facing a  
2 different one now from the Civil War?

3                   THE WITNESS: No. It is different but  
4 here's what I mean. We have faced successive  
5 waves of crises in this city. I think we have  
6 faced successive waves of crisis in American  
7 life. Certainly we have a lot of anxiety about

8                   It is a test of American democracy and our  
9 humanism. Now if democracy is viable and if  
10 American politics are going to survive, they are  
11 going to absorb the dissent which we are  
12 confronted with now, take the best of it and do  
13 as we did in the thirties.

14                   There was such a tremendous social  
15 upheaval in the thirties, as severe very likely  
16 as this, not as violent but remember the labor  
17 strikes? They were pretty bad too.

18                   I don't know that we can't handle this  
19 crisis. It is a test for the country to see if  
20 it in fact will absorb it. Are we a viable  
21 democracy or not?

22                   I don't know that this is the first time  
23 that that question has been posed in American  
24 society. I think it is not. I think that we  
25 lack historical perspective here. America has

1           confronted that question a number of times  
2           before and has always proved to be a viable  
3           enough democracy to absorb dissent, to alter  
4           itself, to change its form to adapt to that which  
5           is best and root out that which is worse and then  
6           to continue on in a strengthened manner.

7           Certainly we were a better country after  
8           the Civil War than we were before. I think we  
9           are a better country after the social revolution  
10          in the thirties than we were before.

11          I think the country will be a better one  
12          if we are able to survive this crisis and I  
13          think we will. I hate to be the person to  
14          inject historical perspective but it is not the  
15          first crisis this country has ever faced.

16          It is not the first time Americans have  
17          died in controversy among Americans. It is a  
18          test of our humanism and we are going to have  
19          to survive it.

20          There is no dispute with you. I am with  
21          you. I agree with you 100%.

22          BISHOP TAYLOR: I believe it was said  
23          that the great mistake we make in the world  
24          today is that we try to judge the future on what  
25          has happened in the past and we do not take into

1 account the ambiguity of human nature. That's  
2 one.

3 Now second, I admit that we have had  
4 crisis after crisis but we have never had a  
5 crisis in America within the world context that  
6 we are experiencing today and with the impact  
7 of that context upon our actions.

8 This is the first time in the history of  
9 this country that we are facing that.

10 THE WITNESS: Where is this world revolu-  
11 tion taking place?

12 BISHOP TAYLOR: I am sure you are aware  
13 of what is happening in Africa and in Asia.

14 THE WITNESS: A continent is coming alive.  
15 That is not a revolution.

16 BISHOP TAYLOR: They are coming alive for  
17 values that they don't believe that we are  
18 holding out for them.

19 THE WITNESS: I think Africa is going to  
20 find its own way. It is a big, aggressive and  
21 rich continent.

22 I don't see a confrontation between black  
23 and white or races in the nation or across the  
24 world.

25 BISHOP TAYLOR: That is the issue that I

1 sm talking about.

2 THE WITNESS: America has its own con-  
3 frontation that is serious enough.

4 MR. LOFTON: I want to know something more  
5 specific. My question is in this area: Members  
6 of the Commission have become aware, including  
7 myself, of the whole sensitive issue of the  
8 canine corps and so forth which has given a lot  
9 of us concern and a lot of the literature and  
10 the like that has been circulated in the  
11 community concerning that specific kind of issue.

12 I haven't seen a public expression by the  
13 Mayor as it relates to this issue in an attempt  
14 to appeal to the community as it relates to  
15 these escalating tensions in the black community  
16 and in the white community.

17 I would like to just get your reaction  
18 to that if that's true. Maybe he made such a  
19 statement and I have missed it.

20 THE WITNESS: You have missed them.

21 MR. LOFTON: If he has I would like to  
22 know what he has done in that area.

23 THE WITNESS: I think the latest example  
24 was last night at the NAACP dinner, the latest  
25 example of a long list of the Mayor's statements



1 A in regard to extremism in the city and the

2 his office divisive forces at work was made last night at

3 the NAACP dinner at which he spoke and said there

4 is no room for extremists, be they black or

5 white, in the City of Newark and that we were

6 not going to permit extremism to tear the

7 community apart, denouncing it and so forth

8 and so on.

9 He has done that regularly.

10 As to the dogs you are well aware that he

11 had the dog issue deleted from the City Council

12 agenda the first time and that he has announced

13 to the priest group and to others that if the

14 money is appropriated he simply will not spend

15 it for the dogs.

16 MR. LOFTON: He has made a public state-  
17 ment to this effect?

18 THE WITNESS: Yes, indeed. The dog issue

19 is now being used by extremists on both sides

20 to continue the issue plus other more timid

21 groups, by and large liberal white groups are

22 beginning to edge into the thing now because

23 they think it is pretty safe to take a shot.

24 Q When did he say he would not use the appropria-

25 tion for dogs if given to him?

1           A       He has made that comment to the priest group, in  
2 his office and everywhere else.

3           Q       I mean in public.

4           A       He publicly announced he was opposed to the dogs  
5 the first vote.

6           Q       Has he publicly said he would not use any  
7 appropriation given to him for dogs?

8           A       Oh, yes. The priest meeting was public. The  
9 priest group has announced it themselves a half a hundred  
10 times.

11                   VICE CHAIRMAN BROWN: Mr. Lofton's question  
12 assumed that you had indicated there was an  
13 escalating reaction in the Negro community.  
14 Do you have that feeling?

15                   THE WITNESS: In the Negro community?

16                   VICE CHAIRMAN BROWN: It was implicit in  
17 his question.

18                   He said now to curb this escalating  
19 reaction. You have indicated that in the white  
20 community, I think, while you won't call it  
21 escalation, you say that there is less tolerance  
22 and so forth and that this may be called a  
23 reaction.

24                   Now in the Negro community do you sense a  
25 reaction of increased impatience, increased

1 hostility or anything of that kind?

2 THE WITNESS: I think the riot did just  
3 what Tom Hayden said it would do before the  
4 riot, which was to separate black and white.  
5 I think it has done that.

6 VICE CHAIRMAN BROWN: You think that has  
7 happened in Newark?

8 THE WITNESS: Yes.

9 VICE CHAIRMAN BROWN: Are there any  
10 bridges at all across this gap?

11 THE WITNESS: Yes. I think there are many  
12 bridges.

13 The Committee on Concern looks very  
14 promising.

15 VICE CHAIRMAN BROWN: You have always had  
16 separation, let's face it.

17 THE WITNESS: I am talking about a sharper  
18 separation than ever before. I think there are  
19 a number of persons -- now Newark, for all it  
20 may seem now after the riot, has had a very good  
21 and sound and encouraging and exciting possi-  
22 bility for race cooperation.

23 VICE CHAIRMAN BROWN: Do you think that  
24 is lost?

25 THE WITNESS: No, I don't.

1 VICE CHAIRMAN BROWN: You say "had".

2 THE WITNESS: I think it is temporarily  
3 submerged. I came to Newark on my way to  
4 Washington nine years ago and the only story  
5 which ever interested me in this town was  
6 race and the only thing which excited me about  
7 Newark was how well or what a great chance, I  
8 should say, there was to really work out  
9 relationships between Negroes and whites.

10 That's the only thing which held me in  
11 Newark nine years ago when I came passing  
12 through here. It is the only thing which  
13 continues to hold me here.

14 I really do sincerely believe that there  
15 was an unusual opportunity for understanding  
16 between Negroes and whites. That was my  
17 argument with Tom Hayden all this time. Tom  
18 Hayden's perception was that Newark was a  
19 backward city that needed a riot to wake it up,  
20 to catch up with other cities.

21 VICE CHAIRMAN BROWN: You keep mentioning  
22 him. Do you think he is the Tom Paine of  
23 this revolution in the sense that he is the  
24 pamphleteer, the talker, the idea projector and  
25 so forth?

1 THE WITNESS: I think I can talk to him  
2 because he is articulate, he is tough and we can  
3 talk and so forth.

4 VICE CHAIRMAN BROWN: But so are you. I  
5 am talking about people who are movers and  
6 those who are shakers.

7 THE WITNESS: He is a mover and a shaker.

8 VICE CHAIRMAN BROWN: A prime mover and  
9 a shaker?

10 THE WITNESS: Definitely. I think what we  
11 tried to suggest to him and to others was that  
12 Newark might be for all its appearances somewhat  
13 ahead of these other cities and that a riot  
14 would take us back to those cities, not  
15 advance us.

16 Now I think I was right. I think Newark  
17 is now just like any other city. It has had a  
18 riot. So what? What did it prove? What did  
19 it gain?

20 Is anybody aware of problems we learned?  
21 What did we learn that we didn't know? There  
22 were people who were there right at the point  
23 that it was all about.

24 VICE CHAIRMAN BROWN: I think we learned  
25 that we have to gain more expertise in these

1 times of friction than we have had in human  
2 relations.

3 THE WITNESS: You mean a general lesson  
4 was taught to people who weren't paying  
5 attention?

6 VICE CHAIRMAN BROWN: I think that.

7 THE WITNESS: I hope so. Watts was pretty  
8 shocking and Harlem was. That didn't seem to  
9 get the message across. Why should Newark and  
10 Detroit?

11 You knew where the message is going to  
12 come out? Out of New Haven.

13 VICE CHAIRMAN BROWN: Tom Lee says no.

14 MR. WACHENFELD: Why do you say that it  
15 will come out of New Haven?

16 THE WITNESS: Because you see, you could  
17 excuse Newark if you were an outsider looking  
18 in.

19 VICE CHAIRMAN BROWN: This is your theory  
20 of government and politics?

21 THE WITNESS: Yes. You would say "What  
22 a crummy town", speaking of Newark, "it is  
23 dirty, it is grimy, it has all those Negroes,  
24 it has all these problems, it has a corrupt  
25 this and a corrupt that, everybody knows it" and

1 so forth.     Q     until Detroit began the show.

2     R     Somehow it is identified with the great

3 industrial waste land and stench which stretches

4 across North Jersey. You could excuse it.

5 Americans all over can say "Well, everybody

6 knows that is a sin hole", which it isn't as a

7 matter of fact but which they believe it to be.

8     is     Now New Haven, that is a different story.

9     It's a model city, by and large, white city

10 really, and some nice Negroes who Dick Lee is

11 helping, the model mayor in a model city using

12 model programs, praise, books written, articles,

13 and every mayor has always felt a little awe

14 or a little anger or a little frustration

15 knowing that he in many cases was doing more

16 than Dick Lee had started to think of doing

17 but there was old Dick Lee and there was New

18     Q     Haven and Dick Lee happens to be a wonderful

19     A     mayor and he happened to have a wonderful

20     administration who was doing a really honest-to-

21     that if we are goodness wonderful job, but best of all, he was

22     have to put     selling it well.

23     to have to strength     MR. WACHENFELD: And yet it happened.

24     going to have to     THE WITNESS: And yet it had a riot.

25     bills     That That's the message. I don't think anybody got

1 the message until Detroit began the shock.

2 Newark was the last of the old style things.

3 Everybody could understand that. Detroit was  
4 a shock because of Cavanaugh. Cavanaugh had  
5 some of the aura of Mayor Lee but not all of it.

6 I have to confess, gentlemen, that I would never  
7 wish a riot on another city because I think it  
8 is a horrible and tragic thing but in my heart  
9 and I have even gone so far as to talk about it  
10 in despair to a couple of others, there was the  
11 feeling that if only a little incident took  
12 place somewhere in New Haven that didn't hurt  
13 everybody, maybe people would begin to under-  
14 stand what the problems were.

15 When New Haven came and no one was killed,  
16 thank God, I felt that we were going to get  
17 some progress after New Haven.

18 Q What is the lesson of New Haven?

19 A The lesson of New Haven is the problems are more  
20 immense than this country has ever begun to understand and  
21 that if we are going to re-do the cities we are going to  
22 have to put some power into those cities and we are going  
23 to have to strengthen those city governments and we are  
24 going to have to really pay some attention and pay some  
25 bills. That was the lesson of New Haven. It isn't going to



1 go away overnight with a single program.

2 Q All of us, especially me, have plenty of more  
3 questions and areas to go on into. We will have to take it  
4 up at a staff meeting and if we decide we would like to have  
5 you back would you kindly continue to cooperate and return?

6 A It would be a pleasure, a great pleasure because  
7 we have only really touched on the first days of the riot  
8 and I think that many of the people on the Mayor's staff  
9 and many of the people on the Governor's staff came much  
10 closer together as we moved into the last day or two on what  
11 should be done.

12 I think that needs to be told.

13 VICE CHAIRMAN BROWN: I would like to put  
14 on the record our thanks to the witness.

15 MR. ROBINSON: Especially from me, for  
16 meeting with me many days preceding this  
17 hearing. I met with and interviewed Mr.  
18 Malafronte four or five times preceding his  
19 testifying at the last appearance and now and  
20 there are many more areas to go into provided  
21 the Commissioners desire it.

22 I also want to state and reiterate that  
23 at all times Mr. Malafronte has cooperated  
24 with me completely both in terms of giving me  
25 information, data, ideas and time.