DOMINICK A. SPINA, Sworn.

DIRECT EXAMINATION BY MR. ROBINSON:

Q Director Spina, could we have, please, your background, with emphasis on your training and education.

A Well, I was born and raised right here in the City of Newark, went to Abington Avenue Grammar School, Barringer High School, Gettysburg College, Washington & Lee University, University of Newark, where I obtained an A. B. and LL. B. I am a graduate of the FBI National Academy.

Q And did you serve in the United States Army?

A Yes, sir, I did.

Q And would you give us your experience and service and record there.

A Well, I went in the army in 1942 as a private and I just retired last year as a lieutenant colonel in the United States Army Reserves.

Q Now, would you list for us, please, your professional membership affiliations.

A Well, there are many of them.

Q I think we ought to have them.

A Well, police organizations, Patrolmen Benevolent Association, the Superior Officers Association, Municipal Careermen, National Rifle Association, Military Government Association, New Jersey State SPCA, of which I am an

officer, National Police Officers Association, Reserve Officers Association, International Narcotic Officers Enforcement Association, and I was the organizer of the New Jersey chapter of this organization, National FBI Academy Association, the New Jersey Press Rifle & Pistol Club, Municipal Police Administrators Association, Society of Professional Investigators, 106th Infantry Division Association, Military Police Association, American Society for Public Administration. I am a member of the Narcotics Advisory Council of the New Jersey Department of Institutions & Agencies. I am a director of the Newark PAL, Robert Bruce House, Clearview Halfway House, the Essex & West Hudson Cerebral Palsy Institute, Newark Boys' Clubs, and Essex-Union-Somerset Safety Traffic Council.

Q Now, in addition to this background, have you written and had published any articles?

A Numerous articles in national law enforcement magazines and I have also written a book for teen-agers called the Hardy Detective Handbook.

Q Now, how long have you been the Commissioner of Police for the City of Newark?

A Since July of 1962.

Q And prior to that had you ever been arrested?

A Many times.

Q Were you arrested in Jersey City back in the

mid-thirties?

A Yes, sir, I was.

Q Would you tell us about that, please.

A Well, I was organizer for the CIO. I was one of the first organizers for the CIO in New Jersey and in the course of handing out literature -- Hague thought everybody in the CIO were communists -- I was arrested for distributing literature. The case went to the Supreme Court of the United States, in which I was acquitted. Arthur Garfield Hayes, the dean of my own law school, was my defense lawyer. The citation is 307 U. S. 496, year 1939, Supreme Court of the United States.

I also want to state for the record that I was arrested many times in and about New Jersey in the course of organizing.

Q And did the Hague-Jersey City incident you described become the famous free speech case of Hague against CIO?

A Yes, sir.

Q Now, would you give us the structure of the Newark Police Department outlining the chain of command and duties and responsibilities.

A Well, I am the Director of Police and directly below me there is a Chief of Police, who handles the operations, and under my direct command there is an

Intelligence Unit, Planning and Research Office, Inspection Office, Bureau of Traffic and Signals, Business Office, Public Relations Office and a Records Management Office.

Under the Chief of Police comes the Detective Bureau, Detective Division, the Traffic Division, the Patrol Division and the Bureau of Investigation.

Q Are these the major departments and divisions?

A These are the major divisions in the Newark Police Department.

Q Now, could you describe for us generally the duties and responsibilities of each of these.

A Well, I as the Director of Police am responsible for the success or failure of the operations of the Police Department. I act as the Public Relations Officer in that I meet the public and treat with them. I handle all disciplinary cases. I am responsible for discipline in the department.

The Chief of Police is in charge of operations of the Police Department. He gives orders to the various divisions under his command in order to implement the operations of the department.

Of course, we all understand the different functions like the Traffic Division handles traffic, the Detective Division handles all investigations which are given to them by the Chief of Police, the Bureau of

Investigation handles all vice, gambling and liquor cases.

I would like to explain about the Inspection Division, which I think is important. The Inspection Division I created because of the problems of discipline that might arise in the department. Any complaints of undue use of force or lack of discretion or lack of efficiency by citizens are investigated by the Inspection Division. And this division is manned by a Deputy Chief equal in rank with all the other operational heads.

Q When did you set that up, Director?

A 1962.

Q And from 1962 to date can you give us any statistical analysis at this time of the number of complaints, disposition, and that sort of thing?

A No. I don't have them with me but I would be very happy to bring them next time I come.

Q Now, what are the functions and responsibilities of the Intelligence Unit which is under your command?

A The Intelligence Unit is a very important unit in my estimation. This is the unit that investigates all the subversive activity in the city. It maintains liaison with various intelligence units all over the State, including Federal agencies. It generally works undercover. They never make arrests.

They also upon my command investigate any

activities of members of the Police Department that I think should be handled by our Intelligence Division. They are also responsible for intelligence concerning strife between labor and management. These are the specific areas in which they are involved.

Q And is that division headed up by Detective Millard?

A No, sir. It is headed by Captain Rocco Ferrante.

Q Is Detective Millard a part of that division?

A Yes; a very important part.

Q And he is accompanying you today?

A That's right.

MR. JAFFE: You said that basically it handles intelligence in the subversive activities field. I wonder if you would define that phrase a little bit more. Is it just the threat of communism or does it go into other activities that are contrary to the peace and order of the city?

THE WITNESS: We investigate anything that I think might be contrary to the peace and order of the city. I don't care whether it is to the left or the right. We have investigated the Ku Klux Klan activity, the white power

organizations that we have here in the city. They have investigated Negro racist organizations, organizations of the left, for example, the SDS, which is prominent here in the city; anything that I feel is important to the peace and safety of the city.

Everybody knows how they operate. They have informers and they have undercover men of their own. They have been able to penetrate many organizations in this city, including the Black Muslims.

MR. JAFFE: If it is not a privileged figure, could you just tell us what the size of that division is?

THE WITNESS: Six.

MR. JAFFE: Six men?

THE WITNESS: And with the captain it is seven.

MR. JAFFE: With the captain it is seven?

THE WITNESS: Yes.

MR. JAFFE: Do you think if you had more finances you would want that division expanded or do you think that it has adequate manpower?

THE WITNESS: I could use at least two more men.

MR. JAFFE: In that area?

THE WITNESS: That's right. Incidentally, they are specially trained for this kind of work, and they have extensive files in these areas which are top secret.

MR. JAFFE: Do you coordinate any of those files with the FBI? Do you have a liaison with them?

THE WITNESS: Oh, yes. They are in the office every day. As a matter of fact, we give them a great deal of information that they lack, especially in the area of racist activity. For example, they didn't know too much about the Black Muslims and we penetrated it and then when we raided it, we had the files, the complete files, we took everything out of there, of which they have a copy.

MR. DRISCOLL: Are these charts going to be offered in evidence, to which the witness has referred?

MR. ROBINSON: You mean the charts of the chain of command and the responsibilities?

MR. DRISCOLL: Yes.

THE WITNESS: Yes, I can.

MR. ROBINSON: We can get something up that we can have put in.

MR. DRISCOLL: All right.

BY MR. ROBINSON:

Q Now, could you tell us the relationship of the Newark Police Department both under law and as practiced under your command with the city administration.

A Well, I am directly responsible to the Business Administrator and the Mayor of the city. Decisions which I make are subject to scrutiny by the Business Administrator and the Mayor of the city.

Q Can you give us an example of the type of decisions that the Business Administrator scrutinizes?

A Well, especially budgetary ones. For example, I want to eliminate my dispatchers in the Police Department. They are male policemen. And I want to replace them with females because I have a chronic shortage of policemen and I want these 25 men to go out in the street as policemen. I first must submit a request to the Business Administrator to get his approval, and it goes through to the Mayor. This is one of the things.

Also, for example, right now I am trying to get rid of the use of police officers in our courts. We lose 30 men in the courts. I think this is a function of

the municipal court and I understand the Supreme Court rule says that we are not supposed to use police officers in municipal courts or courts of that type but they did make an exception in the case of Newark. But again because I have a chronic shortage of policemen, I just submitted a report and a request that we replace those policemen with court aides under the budget and control of the court.

Q It is that sort of decision that you have to submit to the Business Administrator?

A Right.

Q Now, what about the relationship of your department with the Mayor? What sort of authority do you have that doesn't have to be checked with him and what sort of decisions must be checked with him?

A Well, there is no staid rule of what I should coordinate with the Mayor. I have this kind of a relationship with him, that when I think it would affect his administration in any way, his political administration, I contact him and we discuss it.

Q Can you give us an example?

A Well, if I wanted to make a change in the table of organization, I will call him and ask him what he thinks about it. If I wanted to augment a division or a unit, I will call him and ask him what he thinks about it.

These kinds of decisions.

Q What about decisions such as full alerts for your men in the event of an anticipated emergency or what I will call pure police matters? Do you have to check those?

A No, I don't have to but I always do, I call him and tell him, because I think it is important for the administrative head of a city to know what is going on. I think it is a mistake for a mayor or any administrative head to work in a vacuum.

I think he should know why I am making a change or why I am calling for an alert or whatever decision I make.

Q Now, what about your department's relationship with the City Council?

A Well, the Corporation Counsel assists in many ways. For example, we ask him for an opinion concerning some controversy that we might have. He furnishes a lawyer, since I have been the Director, at my request in court every day, to help protect the interests of the police officers that are involved in cases.

He also defends us when we are sued by various agencies, for example, like Mr. Lofton once in awhile starts suit against us. This is what he does.

Q And what about the City Council itself? That

is, the governing body.

A Well, a great many times I make a request for changes in the table of organization or situations which might need a resolution or an ordinance, and this is when they come into focus, they deliberate and decide whether or not they will approve this type of thing.

And sometimes they call me in when there is a problem that has been called to their attention by some citizen or group of citizens.

Q Is it fair to say, Director, that so far as you are concerned and the way of your functioning and running your department, the only higher authority is the Mayor?

A Actually, yes.

Q Now, what about the relationship of your department, if any, with any county authorities, including the prosecutor?

A Well, we maintain good liaison with the county prosecutor. We communicate with one another fairly often. Sometimes he calls me and will ask me to maybe exert a little more effort in a certain investigatory field or field of law enforcement but that's about it.

Q Now, can you give us the statistical background on your department personnel, that is, the policemen and the officers themselves, starting with their education?

Do you have a statistical analysis of that?

A Well, they all have high school certificates or high school qualifying certificates. We have 12 associate degrees. We have 10 men with academic degrees and 2 men with masters degrees. One is a lawyer.

Q Now, when you say "associate degree," what does that mean?

A Well, these are degrees that are given by colleges -- for example, that was being given at one time by Seton Hall, degree in police science.

Q And what is the pay scale for the various jobs on the force?

A I would have to look that up. I hope it is here.

Q I think Mr. Millard has that for you.

A Because I can't remember them. The pay scale for patrolman ranges from $6,951 when he first enters and five years later when he matures or matriculates he earns $8,002.

A sergeant starts at $8,352 and four years later he arrives at the figure of $8,819.

Lieutenant $9,053 and he goes after four years to $9,519.

A captain starts at $10,102 and he goes to $11,036.

An inspector starts at $11,153 and he goes to $11,853.

A Deputy Chief starts at $12,203 and he goes to $12,904 after four years.

Q And what is the salary of the Director?

A $20,000.

Q Now, how are these pay scales established, Director?

A By city ordinance.

Q And do you know when the last change was made?

A Two years ago.

Q And do you have an opinion on the amounts that are set forth for each job; are they in your view enough to get the kind of men you want?

A No, I don't believe so.

Q Have you taken up this problem with various city officials?

A Yes.

BISHOP DOUGHERTY: I just wondered how they compare with those of other cities of similar size.

THE WITNESS: Well, two years ago when we first got this raise we were ranked No. 1 and maybe in the top number or top category -- maybe the third in the United States, but with

the steadily progressing rate of pay we are just about in the middle right now.

Q And have you made recently recommendations for increases?

A I always do, Mr. Robinson.

Q Are you meeting with any success?

A Budgetary problems.

Q Now, getting to the racial and ethnic background of the personnel, could you give us the statistical information you have on that?

A I don't have a breakdown on the racial background.

Q Could you give us an estimate?

A Yes. We have short of 200 Negro policemen, we have one true Puerto Rican. We just finally were able to recruit one last time. And we have 15 Spanish speaking policemen who belong to various Spanish speaking nationalities.

Q And can you break down the remaining ones ethnically at all?

A No, sir.

Q What is the total personnel?

A Fourteen hundred thirty-eight, I believe, the last count. Fourteen hundred thirty-eight.

Q Do you have authority to hire more whom you have been unable to recruit?

A Yes. I am short 190 policemen.

Q You are entitled to 190 more?

A Yes.

Q On that point, what efforts have you or your men made to recruit and what have been your problems?

A My problems have been myriad. We have had constant problems since I have been the Police Director in trying to recruit and we tried everything. You name the scheme or the idea and we have tried it.

I have even gone to the extent of offering three days off for any man, with pay, if he brings an individual in. We have had the Junior Chamber of Commerce, for example, go out and try to recruit for us, with slides and with lectures.

We have advertised in every newspaper, the dailies, the weeklies, the racial papers; for example, the Afro-American, all the Spanish speaking papers, and there are three of them in and around Newark.

From time to time we have been permitted by radio stations to appeal to the people. I have personally sent letters -- and maybe the Bishop knows this and maybe you know this -- I have personally sent letters to every church in the city, and on more than one occasion, asking them to help us with recruitment. We have posters in and about the time that we take the examination. I have

prevailed upon the Civil Service Commission to hold examinations every three months in the hopes and expectations that we might catch one or two loose people and would be able to recruit them.

We ran primer courses, and we are the first police department in the United States which has done this.

We offer and we put in the newspaper by press releases, anyone who desires to take the police examination, to give them primer courses at the police academy free. And they meet up there with our police academy staff, which does it on a voluntary basis, incidentally, and we try to acclimate the people into knowing how to take an examination, and also giving them the basic subjects which we feel will be on examination, and we have a pretty good idea of what goes in them.

Q Now, what has been the problem in recruiting yourself to full force? Because I believe you said you were about 190 short.

A Right.

Q What has been the problem?

A Nobody wants to be a policeman today.

Q You mean you haven't had sufficient men apply or you have had to eliminate them despite the number because they haven't qualified?

A Both. We don't have people applying on the

scale that used to apply. For example, when I took the examination in 1938, five thousand took the examination.

Now we are lucky if we get 80 or 90 taking an examination. And, of course, we turn down those that are not qualified.

Q What is the major reason for turning down an applicant?

A I think most of the reasons are physical reasons, height, eyesight, physical disabilities of one type or another.

Q Now, has there been a problem with not only recruiting sufficient personnel but also resignations?

A This has been a terrific problem.

Q Can you give us your material on that?

A Well, we have had almost a mass exodus of police officers, especially after the civil disturbances that we have had.

We have had 34 men either resign or on leave of absence, which we know will develop into resignations. And some of these people are my finest men. For example, we got six sergeants -- one just quit last week. A Sergeant Guyet, a handsome, strong, well-disciplined sergeant, quit. We had a lieutenant quit, Lieutenant Burnet, in service over 20 years, and he came into my office with tears in his eyes. His wife kept nagging him to the

degree that he couldn't tolerate it any more and he felt that was the least resistance that could be made by him. We have a great many resignations. I think we have the biggest turnover of any police department in New Jersey in resignations.

CHAIRMAN LILLEY: Where did these two officers go when they left the Newark Department, do you know?

THE WITNESS: Oh, yes. We have exit interviews for anyone who leaves the department. Some refuse to give them. Most of our people go to the Newark Fire Department. It is nice and soft and you don't get pushed around.

I estimate over two-thirds of the Newark Fire Department is composed of ex-Newark Policemen. Over two-thirds of the Essex County Sheriff's Office is now composed of Newark Policemen.

I estimate at least 50 percent of the Essex County Prosecutor's Department staff are Newark Policemen.

This past week we lost three men to the newly created Public Defender Department, whatever they call it.

We have lost men to other law enforcement

departments. This past summer we lost three men to the Dover Township Police Department in Ocean County, and the Chief of Police thanked me publicly for training the men for him.

We lost one of the men, one of my finest men that I sent to -- I was a little irritated by this -- I sent him to Northwestern University for a whole year and he came back and about two months later he quit and joined the Northwestern University teaching staff. And a great many of them go into private business.

Q Is there any consensus that you have on these exit interviews, especially recently, on why they have resigned?

A Well, a lot of them, the ones that resigned since the disorder, will not tell you that that is the reason, but I imagine that is the reason. But I had the Inspection Division, which conducts these interviews, give me the reasons that they are given by these people who are leaving. Low pay is one, and this is the most important one, according to the Inspection Division. I don't think so but that is what they tell me. Supreme Court decisions are next. Next is better working conditions. A lot of them resign because of the wife's wishes, because she does not

have a social life.

As we all know, these criminals don't work from 9:00 a.m. to 5:00 p.m. They work 24 hours a day and it is necessary for us to have policemen around the clock, seven days a week.

And the wives just don't like this. They would rather have their husbands home the regular hours like anybody else. And when the ordinary, normal family is having their Christmas dinner, or whatever holiday dinner, the policeman is out in the street patrolling, and the wives don't like this.

Another reason is the hostility against the police, and this hostility is exhibited in assaults on police and is at an all time high. In 1966 we had 187 police officers assaulted in our city streets -- these are Newark Police Officers -- which is almost 14 percent of your police population. And these are about the main reasons.

MR. JAFFE: Director, just to get back to recruitment for a moment. Do you have to be a resident of the City of Newark to serve on the Newark Police Force?

THE WITNESS: Yes, you do. I am glad you mentioned it.

MR. JAFFE: I wondered what your thoughts

were in that area.

THE WITNESS: I tried to have the State Legislature amend or at least pass bills which would perhaps help me in recruiting a bit. One bill, for example, I wanted to increase the recruitment age to 35. Instead of 30, to 35. I felt that that five years wouldn't make such a big difference.

I know some cities right now in the midwest are hiring ex-service people at that age and up to 40 because they feel they have maturity and they can use them in certain categories, if not on the active beat on the street.

I am sorry to say that the governor vetoed it on the recommendation of the Pension Commission.

We had another bill that we have been trying to have passed for the past two years, which would permit the City of Newark to recruit any place in New Jersey -- for five years I have been trying to have it passed -- with the proviso that they move in the city within a year. And the thing has never reached the floor, as far as I know. And I have tried

to push both of these bills.

MR. JAFFE: What would your views be, Commissioner, on recruiting say from a city like East Orange and not even requiring them to move to Newark, living in East Orange and working in Newark, and surrounding communities? Would you have some views on that?

THE WITNESS: If there were no problems in the State of New Jersey and in the City of Newark, this would be the ideal way of employing people, but inasmuch as I am cognizant of the situation in the city, I would like to have the services of these people even when they are off.

At least one-third of the arrests that are made in the City of Newark by police officers are made on their time off, either going to work or from work or maybe just walking around their houses.

We have had in the past three years at least four or five incidents where police officers coming home would apprehend burglars right in their own homes. It is a safety factor as far as I am concerned.

MR. JAFFE: But in view of the shortage,

you would be in favor of some relaxation of the residence requirements, even if it were only for a short period of time like a year?

THE WITNESS: Well, you can't do that. I have thought about that. Because once you permit the bars to be lowered, you can never bring them back again.

MR. DRISCOLL: Actually what you are really saying, if I understand you correctly, is that a policeman is on duty 24 hours a day.

THE WITNESS: Yes, sir. And I am able to utilize their services the other 16.

MR. DRISCOLL: Director, if I might just ask one more question, you mentioned that you have lost a large number of people to the Newark Fire Department.

THE WITNESS: Yes.

MR. DRISCOLL: Well, the fire department is on duty around the clock pretty much, too. They are not going to get home for Thanksgiving dinner at the normal time, are they?

THE WITNESS: You are right, but there is a big difference. The fireman does not have to go out in the street and make arrests. He doesn't have to go to court to prosecute

offenders.

MR. DRISCOLL: I understand that. So really it is the difference in duty rather than the difference in time in the case of the Fire Department.

THE WITNESS: Yes. You have put your finger on the reason exactly.

MR. JAFFE: Director, do you have any special program of recruitment among minority groups?

THE WITNESS: I speak before organizations. I have appealed by letter to every civil rights organization within our city time and again.

I have never once been able to get even an affirmative answer to a letter from them. I talked to both the Bronze Shields and the Batons, which are the two Negro Police Organizations in our city, and asked them to help me with this problem. I have spoken to many Puerto Rican organizations and asked them to help me in recruitment.

I have spoken to members of the Human Rights Commission in this endeavor.

BISHOP TAYLOR: Director, you mentioned the Negro Police Organizations. Do you mean

you have segregated organizations in the police force here in the City of Newark?

THE WITNESS: Yes, sir.

BISHOP TAYLOR: Is that voluntary or is that the way it just has to be?

THE WITNESS: No, sir. They insist on it. This is a carryover from New York City. Here in the City of Newark the police department is broken up into various organizations, and many of them are along nationality lines. There is the Hibernian Society, there is the Columbians Association, there is the Von Stueben Association, there is the Shomrim. That is the Jewish organization. There is one composed of Polish, Lithuanian -- all Slovak languages. I forget the name of it. And then there are two Negro organizations.

Now, I have talked to both Negro organizations and I have tried to get them to join into one organization, and they won't even do that. I would rather see all these organizations broken up, but I don't have the power and I am not going to do it.

I am not going to create a lot of dissension by ordering them to be broken up.

BY MR. ROBINSON:

Q Are these national organizations with local chapters? Is that what it amounts to?

A Most of them.

Q And they are designed to do what, improve the policeman's lot locally?

A Well, as most of the constitutions say, to maintain the culture of their ethnic backgrounds and to improve their social and civic welfare, something like that.

CHAIRMAN LILLEY: Director, if a member of the Batons wanted to join the Hibernians or Columbians, could he? Is there a cross membership?

THE WITNESS: No, sir. One of their constitutions, as I understand it, limits membership to their ethnic group.

MR. JAFFE: Director, I wonder if I could ask you one more question on minority recruiting. What do you think of the practicality or the feasibility or the wisdom of a special program in the Newark Police Department that would aim at minority group recruiting, that would be run by a small group of your staff and would go to schools and groups that are predominately Negro or predominately Puerto Rican and would specifically focus in on this type of recruitment?

Do you think that is practical and wise?

THE WITNESS: It is being done on a partial basis right now by our Police Community Relations Unit that I have. One of their functions is they try to recruit people from the minority groups. At the present time I must tell you that we are in the process of trying to get Federal funds in one area to recruit minority people. We have sent a program to the Department of Justice in this area.

I have also had a conversation with Mr. Malcolm Talbot, just as recent as last week, in which he has offered to assist me in recruiting people of minority groups to become policemen and this, as I understand from talking to him, is going to be done by private business.

MR. DRISCOLL: Mr. Jaffe, may I ask you a question?

MR. JAFFE: On the record, sir, or off?

MR. DRISCOLL: I am a little confused at the moment. If my company wants to recruit somebody, we are forbidden to ask their nationality and their religion and the background you have been talking about. It is

against the law for us to do it.

MR. WACHENFELD: Unfortunately, you are correct.

MR. DRISCOLL: Well, isn't it a little conflicting here to be talking about minority groups and enlisting minority groups?

CHAIRMAN LILLEY: Governer, my company can't do those things but we can go out and attempt to recruit people in minority areas and we do.

MR. JAFFE: I don't think there is anything in the civil rights statute that the State has that prevents you from going say to a predominately Negro neighborhood or predominately Puerto Rican neighborhood and advertising and trying to interest people into taking it.

MR. WACHENFELD: My own idea of this is we have consumed pretty nearly an hour now going into details that aren't going to help us very much. I think we can give the Director full faith and credit that he is trying to augment his forces, that he is doing it from ethnic groups and from impartial sources, but I think we have spent enough time on this particular part of the record, unless there is

some point that you have that is not apparent to me from your examination so far.

MR. JAFFE: My point, Justice, in pursuing it is I was wondering if there was anything we could do to aid the Director as a commission in this area.

MR. WACHENFELD: You know his problem. If you have a suggestion to aid him, I know he will be glad to receive your suggestion.

MR. JAFFE: I think something like the residence requirement might be something on which the commission could aid him, in suggesting to the Governor that his bill be passed, if that were the pleasure of the commission.

BY MR. ROBINSON:

Q Now, directing ourselves to promotions within the department, would you comment on Lieutenant Green and Captain Williams and the promotion situation generally.

A Well, promotions are made due to examinations given by the Civil Service Commission of New Jersey, purely and simply on that basis. I don't especially like this system. I have talked to the Civil Service Commission and they are still talking about it. It seems to me that to promote a man merely because he gets high grades on an

examination and because he gets a high grade on his physical ability is not sufficient.

I think that a certain amount of credit should be given to an individual for the amount and type of work that he does while he is a police officer. But that so far is not included in the compilation or the examination. Now, as far as appointments, I go strictly according to the table of organization, in making appointments and promotions, but we have exceeded the table of organization on more than one occasion where I felt it would be helpful for the community and the police department in general to augment the table of organization, and we have done this in two situations.

I wanted a Negro lieutenant and I prevailed upon the City Council by resolution to empower me to add to my table of organization three more sergeants in order to reach Lieutenant Williams. Recently, because of the situation in the city, and this was the Mayor's idea, too, I felt that it was important for the police department to have a good image to have a Negro captain, and again we prevailed upon the City Council to augment the table of organization, and we augmented it by five people, created five new captaincies so that we could reach Captain Williams. This is what you are referring to?

Q Yes, sir. And what are the duties of Lieutenant

Green and Captain Williams today?

A Lieutenant Green is in command of the Fourth Investigation Squad. Captain Williams is in charge of the Police Community Relations Bureau.

Q And are they the highest Negro officers in the police department?

A Oh, we have other lieutenants but they are high.

Q Now, will you tell us what has been done under your administration toward a better business community relationship, what programs you have instituted, where you have had problems and obstacles and what successes you have had.

A Well, I think that the Newark Police Department has gone farther than any police department in the United States to improve its image within the community. It might sound peculiar in view of what happened but if you listen to what I say I think that you will be satisfied that we have tried and we have tried hard.

For example, when I first became the Police Director, and in keeping with a promise made by the Mayor, we completely integrated the Police Department. Prior to that time there were only two plain-clothes detectives that were Negroes in the whole department. Today there isn't a squad that doesn't have either one or more Negroes in the department. We have integrated every squad regardless

of whether it was uniformed or plain-clothes. And this has made a tremendous difference with the personnel, I think, the Negro personnel in the department.

When I first took over as Police Director most of the derelictions of duty were made by Negro police officers, and I can well understand it, because they considered themselves second-class police officers. They were never given details, they were never given the kind of assignments that everybody would like to have. Now I think that the delinquencies of the Negro policeman are way down and I am happy to say and I feel that this is one of the direct reasons for it.

We tried many, many innovations in our Police Department. For example, our Newark Police Department is the first department in the United States -- other departments in this country are following us -- to create police precinct councils. And this is an attempt by the Police Department to have a cross section of the racial, ethnic, religious, social agencies, civic leaders, business people, meet with the captain of that precinct along with the detective in that geographic area and the Youth Aid Bureau individual in that specific area. They meet with the captain once a month and they discuss mutual problems and it has been successful in some precincts.

It all depends, I found out, on who the

motivating force is among the citizenry and also the strength and character and the motivation of the captain of the precinct. But in the main it has been fairly successful.

Q Stopping there a moment, could you give us an example of how a police precinct council works? Take the Fourth Precinct, for example. How does it operate down there?

A Many, many ways. For example, a member of the committee might say, and this has happened, that he wants -- I forget the name of the street that runs through the project -- that he wants it blocked off. He brings it up before the council.

Q You mean the citizen?

A One of the members of the council. And the captain says, "Well, I don't have the authority but I will find out." And I read every council report that comes into my office. Sometimes I attend their meetings. And I look over the reports that come in and I try the best I can to implement the request.

There may be a request that the captain himself might handle. For example, some citizen might be complaining about a gang on a certain corner, which happens very often, and he resolves it himself. Sometimes members of this council will make suggestions about traffic conditions or

situations, and the captain very often is able to resolve them himself.

Incidentally, a member of the Police Community Relations Bureau also sits in this area, in these meetings. Sometimes they mutually, the police precinct council people with the policeman present, embark on a program of their own. For example, if they know conditions are bad on one street, which has happened, they will get together and go in that area and try to do something about it. Many, many areas. It all depends on the imagination of the people who are involved plus the captain, who is a very important factor.

Q And is the police precinct council plan still active and still working in the community?

A Yes, it is.

Q What about your creation of an Inspection Division? Will you tell us how that has worked in police-community relations.

A Well, as I explained before -- and I don't think Mr. Lofton is happy with it, he has made a reference to it in an interview he had with Mr. Eldridge, but I think it is the best thing we can do in the Newark Police Department. As I said before, I created this as an equal division in rank and status with every other division so that the commanding officer of this division has the power

to order any individual in for an interview or for interrogation, and I think to some members in the community -- I won't say all -- it has improved the machinery for the prosecution of police officers who are charged with dereliction.

Q Which includes so-called charges of police brutality?

A Yes.

Q Now will you tell us about the Wednesday night open house that you have conducted.

A Well, since 1962, knowing that people in the city, especially small people, are continually frustrated by democratic governmental bureaucracies, I instituted this open house night. Originally it was Thursday nights. For the past two years it has been Wednesday nights. I sit from 7:30 until any time in the morning and I listen to complaints, recommendations, suggestions, and the like. At the start it was a very successful program. We publicised it a great deal. It has been the kind of an outlet where people, small people in the street, knew they could come to the top of the police department and talk man to man and find out the actual situation, if he was being denied service, why he was being denied service, and possibly make some remedy for the dereliction in duty. There is only one problem, though. When there is a full

noon up, there are all kinds of characters walking in. But I have found out that this has been a kind of confessional, Bishop, a kind of couch that the psychiatrists use. A great many times the complaints that they have don't even involve the police department, because a lot of citizens, I found out, don't know anything about government.

And this is the reason I think we should have store front community centers manned by government people so the smaller citizen can walk in and tell the people his problem. But almost every time people leave my office they leave satisfied. And I always tell them that if they don't get any satisfaction of their complaint within two weeks, to come back. I very seldom get them to come back the second time.

Q Now, did you observe in that Wednesday night open house any significant change in the number or types of complaints, either in the months preceding the riots or the months after the riots?

A No. There was no change at all.

Q The same degree of complaints and the same type?

A That's right.

Q Can you give us any statistical generality on the number of people who would come into your office on a Wednesday night?

A Well, the number has deteriorated a great deal

in the past year, and I don't know the reason for it. It has deteriorated a great deal. Maybe we need some more publicity for the program, I don't know.

Q Now, in the months preceding the riots, did any people that you regard as leaders of the Negro community come in on the Wednesday night open house program?

A No.

Q Now, what about your augmentation of the PAL program as part of your community relations? Would you tell us about that.

A Well, when I came in as Police Director in the department, the PAL was a decadent political structure which didn't do anything. It went through the motions. It didn't have any money. The leadership was poor. The attendance by the directors of the PAL was extremely poor. And I felt that this was an area that the police department should operate. And I recognized the fact that law enforcement today must go into areas and fields that it never went before. In pure desperation we must do this, because we know that there are no other agencies out in the field working in the area of crime prevention. And this is one of the reasons why we do go in and I believe that we should go in, even though your textbooks tell you differently. So this was all augmented, not only by police personnel but also by personal recruitment amongst

civic leaders in the city.

There were no Negroes in this PAL Board of Directors when I took over. Today some of my most hard working directors are civilians, including the Reverend Johnson from the Metropolitan Baptist Church. I also have a Negro in PAL who is perhaps the best man that I have in PAL, Detective Charles Meeks. We have augmented the servicing of children, we have increased the number of centers that we operate, and we have certainly increased the number of programs that we had originally.

Q Now, have there been problems with the PAL program that you believe have affected the efficiency of it?

A The only problem is money. We just can't seem to get any money. We are not funded by the United Community Fund and we have tried -- although I think that we are one of the organizations which deals directly in those social areas where we have trouble. I was very happy this summer that the Prudential gave us $5,000, which is the biggest sum we ever had. Maybe it is because I went to night school with Orville Beal, I don't know, but we were very grateful for it.

Q Have you sought money from other private interests for your PAL problem?

A Well, we have tried to fund it Federally. We started a block program, block summer recreation program,

funded by the UCC in 1965, which was an immensely successful enterprise, free of any rifts, free of any quarrels, frustrations and vexations.

But 1966 came around and the UCC finally decided that they should run the program, and this started tremendous dissension because we felt as the delegate agency of the program, the ones that the funds would come through, that we should operate it. In theory we wanted to operate it, and we operate all our programs on this theory -- first we would like to have the police officers who are involved and the children be friends, to have a better understanding, to better the image of the policeman with the younger people, which we don't have today. And, secondly, we know that we could operate the program much better than people who do not have the interest nor the love of this kind of a program at heart.

But the people in the UCC were extremely hostile to hiring any police officers. They didn't want any police officers in the program. At first they told us they were going to run it entirely. Then we compromised. They permitted an equal number of the board of directors of PAL and an equal number of the board of directors -- I don't know what you call them -- of each area board to sit down and to work out personnel problems, hiring practices and also to designate the play areas.

spina

Now, we know better than anybody else where the play areas should be but this was usurped from us. The controversy became so bitter that I finally decided that perhaps it would be better to go ahead and settle this through conciliation. But the entire summer was fraught with bitterness and with dissension. Now, the next summer, which was this past summer, we again applied to the UCC to fund the summer block recreation program. Now, first they told us they wouldn't do it because they were going to fund their own, but for some reason or other they amalgamated both programs. But here is the rub: They set up an unworkable program, the most ridiculous kind of operational situation, and you as businessmen in this room can understand it, that I have ever seen. They demanded and decided that they would have 48 members of their board of trustees and that the PAL should have only 8, and this board would decide all policy, all programs, all personnel hiring factors, and so forth. And again because I believe that the children in the street would be deprived of recreational opportunity, we consented. And we had problems from the very beginning with this program. Again, no policeman was hired at all in this program except Detective Charles Meeks, who was the director of it. And Director Meeks had nothing but trouble from the day he took over. He didn't have the

power to hire and fire.

We had instances in the program where people were physically incapable of doing the job. For example, a woman 400 pounds, or something like that -- I don't remember how much she weighed -- he couldn't do anything about her. We had a member of the Black Liberation Center use filthy language to a female member of the staff. They refused to fire him.

People who didn't show up to work were marked in the program and they were paid.

We have one case where we think -- we are not sure -- one man was on two different payrolls for the UCC this past summer. These frustrations kept piling up plus the fact that last year, 1966, they incorporated in this program, contrary to our desires, a children's summer program where they went away for two weeks, and they picked a camp called Camp Webatuk. We received information that this was a communist dominated camp and we tried to keep the children from going there, but we were unable to stop them.

This year they decided to send the children to another camp. This time the camp's name was Camp Abelard, also in New York State, 25 miles or so away from Camp Webatuk. Well, peculiarly this camp was also run by Mr. and Mrs. Finck who ran Camp Webatuk. And this time

the OEO itself from Washington stepped in and forbade them to implement the program. In spite of that, the UCC sent I think 250 children, and when they found out that the OEO was not going to fund them, there was another big hassle, there were a lot of press releases, and it was not a good situation at all.

So two weeks or three weeks before the program was to end, Meeks came to my office in frustration and bitterness and he said, "I listened to you before, Director, but I can't take it any more, I am resigning," and he handed me a letter, a copy of which he had already sent. This has been my experience with running the block program.

We also this summer ran a program of our own. When we thought that the UCC was not going to fund us, through some friends in Washington we were able to contact the Department of Labor, and the Department of Labor did finance a program which we call PALCOP, which was a tremendously successful program.

We had no problems, no arguments, no fights. And this program, we can show you clippings, ran throughout the riot. For example, at Reverend Hayes Homes when the riot occurred, this program moved inside to the Felix Fuld Neighborhood House. It has been a tremendous success. We also tried -- you know, as I said before, we are so interested in trying to go into areas of crime

prevention, and we know that one of the problems in this city is that we have so many school dropouts, young people who are not reached by anybody. And these were the people who participated actively, physically in the riot, kids from say 10 years to 19 years of age. And there are no social agencies in many areas of this city which can service these young people.

And we in PAL felt that we could probably try to reach some of these people. And we adopted an idea which we called the PAL Frontier Clubs concept, and we applied to the UCC two years ago with this program. This is a program by which we would take twenty sections of the city, use store fronts, abandoned factories, abandoned warehouses, or anything at all, and put professional people in there or people you pay, because we found that you can't get anywhere with volunteers, and run programs for us. We gave this to the UCC and we sent them ten copies.

About a month later I called them and asked them what they had done with the program and they told me to send twenty-five more copies, which I did.

A couple of months later I again called them and they asked me to send them seventy-five copies. You know, each one of these programs is about three-quarters of an inch thick. Well, I wasted more damn paper and more

energy than you got hair on your head, and then I got a phone call that they weren't able to finance it.

Q Now, these controversies you described in UCC, growing from UCC in relation to the PAL program, in your opinion did they affect adversely the summer of 1967 PAL program for the neighborhood children of Newark?

A I really don't believe so.

Q There was no adverse effect on the PAL children?

A I could not say definitely in true conscience that it affected it one way or the other.

Q Now, could you give us some of the other programs that the Newark Police Department participates in for better community relations.

A Well, four years ago in conjunction with the Junior Chamber of Commerce we created the Junior Crimefighters, which again was an attempt on the part of the police department to get these children between the ages of 9 and 14 into some kind of a program, positive program, so that they will become familiar with police officers.

This is a program by which on a voluntary basis one policeman would meet with 15 children in this age bracket, 9 to 15, and they would talk with him, talk about character building and talk about law enforcement,

things of that type. Also four times a year these cadets would -- and, incidentally, they would meet at established agencies, for example, Boys Clubs, any place that we could find room, sometimes in police buildings. Again we thought that it was an important venture to get into. And on four occasions a year these boys would distribute crime prevention tips in the form of pamphlets which we drew up. It was funded by various printers and business people in the city, who paid for the printing, and we felt that this way the children would feel that they are positively being engaged in some kind of activity for law and order. It was an attempt, as I call it, to the good guy versus the bad guy concept, where at least they have some common meeting grounds with the police officer, which they never have today.

Q Any other programs?

A Well, we have a lot of programs.

Q Could you list them for us and give us just a general description.

A Well, for example, the Boy Scout Explorer programs. We have one in every precinct, and we started this during my administration. These are Explorer posts under the auspices of the Boy Scouts, who meet I think once a month -- I really don't know how often they meet -- and with police officers. And their general orientation

is in the realm of law enforcement.

They take trips to police headquarters, they learn about fingerprinting, and some of these posts have been taken to Washington to tour the Department of Justice, the FBI installations. It has been a very good program.

Human relations courses. This with my coming into the Director's job was included in the recruit training. Before that they didn't have this in recruit training. I don't remember how many hours they have allotted to human relations. I also instituted compulsory human relations classes for all personnel.

Each police officer spends one day a week for ten weeks doing nothing but sitting in class and talking about human relations and meeting in workshops with people who are experienced in these areas. We tried -- and this is a program that failed, unfortunately -- when I found out that Title 5 was in operation, I felt that as a meaningful agency of the municipality I would try to do what I could to try to take these people off relief. And I went through the whole list, practically, of people whose names were given to me who are on welfare and I picked 50 of them but, unfortunately, this program went by the boards. These people were difficult to deal with. It was difficult to train them. And after

they were trained, we put them up in the City Hospital as security people, but it didn't work too well.

I also take great pride in this program, police cadet trainee program. And this again was a new program in the United States, which has now been copied by 22 municipalities, that I know of, in the United States. It has received national recognition. This operates under the National Neighborhood Youth Corps.

We take young people who are school dropouts and bring them into this program and we train them, we give them uniforms, to become policemen.

I am happy to say that two of the people from this program are policemen, three are now housing policemen, and I hope that many more will come in. I think the Puerto Rican that I got last time, he is a graduate of this program.

But there are frustrations. Unfortunately, the Federal people don't understand what is going on. They are not realistic. For example, the maximum income of anyone who wants to come into this program -- the family maximum income is $3400. Now, this is not realistic at all, because almost anybody is making $3400 a year these days. And we can't take in the kind and number of people that we ordinarily would if this maximum were lifted to say $5,000.

The other problem we have is that we cannot take people who have graduated from high school. This is a sorry situation, too, because I think all of us in this room know that the educational system in this city is deficient and a lot of these kids that graduate from high school don't have the skills, don't have the adaptability nor the knowledge to go on in any other endeavor and they become school dropouts, I call them, on the street corner.

Last year I had the unfortunate situation of having a female come from the regional office and scan our records and took out six or eight boys, I think it was, whose income was over $3400, because they told the truth. If you don't tell the truth, they don't investigate you, you know. And she threw out six high school graduates that we could have well used, but that's the way the ball bounces.

And, of course, we have an open door policy for all people. I have always maintained that anybody can see me at any time providing I have the physical time, but we always make provision for them to come in. I never leave a letter unanswered. And I return every telephone call; maybe not the same day but I return them.

The Junior Chamber of Commerce has cooperated with us in many ways. Incidentally, they are now in the

process of constructing a van, a mobile van, vehicular van, which they are going to turn over to the PAL. It is going to cost $14,000 and will contain equipment and will go into those areas where kids don't have equipment to play with. And I hope this is a successful venture. Anyway, the Junior Chamber of Commerce has done a great job in helping to train our people for public speaking. And to show you the enthusiasm, the last class that we had, 92 police officers on their own, their own time, participated in these public speaking training courses. And a great many are qualified to speak in their specific fields in which they excel or in which they are assigned, and many of them do a great deal of public speaking.

And I, of course, do a lot of public speaking. I go to any group that asks me. I don't care which group it is. Even sometimes I am told that a group is hostile; I still go and I still talk to the people.

Q What about the use of police buildings for citizens?

A Well, I believe that in order to erase the image of strangeness to our citizens that our buildings should be used to the upmost of our capability. For example -- and I think this is unique in any police department -- the Fifth Precinct has one room which is adapted to pre-school training. Some church couldn't

keep the operation of a pre-school training program and they had nowhere to go and the Fifth Precinct has taken it over.

For example, the Fifth Precinct also has a civilian mobile patrol. This is a group of citizens who use a little room in the precinct. We try to use it as best we can. Now, I remember well last year the Fourth Precinct, the boy scouts -- the girl scout units in the area of the Fourth Precinct during the winter camped inside the building on the third floor. They cooked hot dogs and they put puptents up and they had sleeping bags. I went up there and it was a lot of fun. I even ate one of the hot dogs.

Q What about the citizens observation program?

A Well, I think this is one of the best programs that we ever had. And as you know, at that time, 1965, we had a great deal of civil rights activity and some of it was violent and, of course, there are always the same allegations, police brutality, but nobody documents it and tells you what it is. So I invited civil rights people, members of the clergy, newspaper reporters and magazine reporters, anybody that was interested, members of the Essex County Grand Jurors Association, to ride with us in our patrol cars, and this is what they did.

They observed how the police operated and

they were made more familiar with what was going on and what the police officer encounters in his daily work. And I think this had a great deal to do during that period of time to bring a better feeling between the civil rights people and the police. I augmented that program toward the end of the year. You know, it is peculiar that everybody thinks that every police building has a room of inquisition in it, that there is a room where police officers take citizens and they have hoses, bats, night sticks, and they beat people up in order to get confessions.

And in order to eradicate that kind of thinking, we permitted civil rights people, anybody, to come into our police buildings and to go into any room they wanted to go and to observe what was going on. We had rules set up. The program stated that they were not to interfere in any activity. They could take badge numbers and ask police names and that's about it and then report it. I think this was a very good program.

Q And in 1965 was there a city ordinance passed setting up a Police Community Relations Bureau?

A Yes, there was.

Q Will you tell us about that.

A Well, again this is another attempt, and this was the first of its kind in the United States -- other

cities are following it -- this is an attempt by the Newark Police Department to better the police community relations in the City of Newark. By city ordinance the table of organization was increased to take in one lieutenant for each precinct, including a kick sergeant, as I call them, to substitute for any absences, vacations, sicknesses, and the like, and also one captain in charge, overall charge of the whole program.

And these people did nothing but police community relations work. They had no assignments to do anything in law enforcement at all and their job -- each one of them, incidentally, had a desk in their respective precincts. Their job is to contact -- and they must have the initiative -- go out and contact civil rights people, clergymen, leaders in the community, people who are engaged in social welfare agencies or social agencies, members of business organizations, anything at all in order to bring about better relations. And it has been a very good program. For example, some of them have involved themselves, some of these lieutenants -- when Lieutenant Green was a member of this police community relations program he got himself involved with the Fuld Neighborhood House, and the Fuld Neighborhood House in conjunction with Lieutenant Green went around with the children clearing up -- and the Vista workers --

clearing up lots to have what they call vest-pocket playgrounds so that kids could play, and I like the idea very much. As a matter of fact, I think it is one of the most successful enterprises that we have.

Q Did some of your men take specialized courses at Rutgers University?

A Yes. Every one of them -- there are 14 of them that took it and this, incidentally, was paid for by a Federal grant. Fourteen of them took this course. Seven were the actual police community relations people and seven were what we call backup men in case one of the other seven got sick, they were to take their places, and they went to Rutgers for two weeks, five days a week, and then for fourteen more weeks they went every Friday, and they listened to lectures and participated in workshops in those areas.

Q Now, in addition, have your men cooperated with the Mayor's Human Rights Commission group?

A We cooperated with the Mayor's Human Rights Commission in many ways. We maintain good liaison with them in general. One or two individuals we don't seem to get along with. They hate us. I don't know why. But we have cooperated with them. As a matter of fact, the last program that the Human Rights Commission had was a program which was funded by the Department of

Justice of $99,000. And this is a program by which principally 150 police officers were to meet so-called 150 poor people. Only it didn't work out too well, because we found out that I could tell my police officers to these classes but nobody could tell the poor people to come, and unless you paid them, they wouldn't come, so the attendance on the part of the poor people was very poor.

Q Now, are there any other police community programs that are in operation?

A Well, we have a scholarship program by which we now send 60 police officers to Rutgers University. Ballantine Brewery pays a thousand dollars of it; the city pays for the rest of it.

And this enables policemen to take college courses leading to these associate degrees in police science. They get $180 per man. If they want to take more courses, they have to pay for them themselves. And I think this is an area in which we have been able to become friendly with people in education and been able to get along with them and they have been able to understand our problems better. I like it very much.

Q What about the police ambassador teams and the immediate success, if any, following the riots? Would you describe that.

A Well, right after the riots, of course, there was a lull. Nobody was doing anything. Everybody was criticizing everybody else in the city, I think. We had occasion to get some of the money that was left in the fund that the Human Rights Commission had. It was a very little amount. And we thought of a concept that would not cost much money but by which we could go into the very target areas in which the things occurred. And we would have three teams, manned by Police Community Relations personnel, which would go into these target areas. Amongst the members of the team there is a police cadet and a Neighborhood Youth girl and a civilian worker or civilian participant from the old program that was started by Mr. Threatt in the Human Rights Commission. We have been surprised. At first there was some trepidation that there might be some reaction, but it has been all good. We haven't had any problems with it. As a matter of fact, it has been a rather friendly kind of relation.

Q Any other community relations programs?

A Well, as I said before, we have involved ourselves in many, many independent programs run by different churches and different groups. We have found out in going through the city that there are a lot of little groups and a lot of small churches that just don't

have the money to finance their recreation programs. And we have been able, in the PAL especially, to assist them with equipment and with assistance from time to time by PAL personnel.

At times we send police cadet trainees to assist in these recreation programs. We have, for example, given equipment to various churches like the Grace Chapel on Blum Street. And at the request of Mr. West I was also instrumental in having his empty lots bulldozed by the city so that they could use it as a vest-pocket playground. Bedford Street, which I think was one of the worst streets in the city, they have a house manned by two Vista workers. And, incidentally, these are the only two Vista workers that I ever saw in the City of Newark who are worth their salt or do any kind of a job and who didn't involve themselves principally and primarily in protests and demonstrations. These two boys are wonderful boys. I have helped to finance them by raising money from private individuals. We have asked police officers to visit them from time to time, and they do. We help them with equipment. We help them in every way we possibly can, even to the extent of doing things that we are not responsible for.

For example, there are a lot of abandoned buildings in this area and I kept pressuring people in the

Health and Welfare Department to take them down, and they have torn down two buildings, which increased their playground area.

We have given equipment to churches. For example, Our Lady of Immaculate Conception, which is a Puerto Rican community, St. Michael's Church, we gave equipment to.

Right now we have the Ivy Hill apartment house program. He was having a big problem with the children in that area, teen-agers, causing a lot of problems, and he had a big basement in the Ivy Hill apartment and we helped him to equip it and this summer we ran the program through the PAL auspices and he was extremely grateful for this.

Q Now, did Willie Wright, a local Negro leader, have a program in which you participated?

A Well, not actually participated. He asked to see the Mayor this past summer, and the Mayor asked me to come in and be present when he did come in. And he was starting a summer block program of his own and he said that he couldn't finance it. The Mayor gave him a check for $100 from the youth fund that he has, of which I am the treasurer, and we were able to help him finance it. We did supply barricades for him, even though it is illegal, but we thought it would be best for him to

have that street for children.

Q Now, can you give us the approximate amount of money that the department spends annually in its police community relations program?

A We don't have any specific amount of money that we spend.

Q Have you made requests of the Mayor or of the Council for money from the budget for your programs?

A No, I haven't , because I know it is not going to do me any good.

Q Now, have you also been working since the riots with a group which was discovered by this committee called the Newark Youth Council?

A Yes. I was very pleased with the group.

Q Would you tell us about that.

A Well, three young people came to my office and, you know, you very seldom get young people, or even older people, for that matter, who seem to be motivated only by or wanting to do something for their fellowman. And I listened to them with a great deal of skepticism when they first started talking about the program. And these are two males, Negro males, they are 21 years old, and one colored girl -- I don't know how old she is -- and they have two other people in this program. And they are working principally in the Scudder

Homes, which I think is remarkable, because if we ever need any help in any human endeavor in this city, it is to start with these high-rise buildings.

In the first place, I think they should be torn down. They are not good. They are not conducive to human living. When you have children, you live like animals in a place like this. Besides the fact, they have already started to work with narcotic addicts and, you know, they can't fool with me because I know the programs and I know how they operate. They have already started counseling people for jobs and how to be interviewed for jobs, and they have done this with hardly any money at all. I think they told me they have $7 in their treasury. I think it is remarkable. I have told them I would help them all I possibly can. I want to speak to Lou Danzig and see if he will give them some space down in the basement. They have no space at all in which to operate. They meet in one another's apartment houses and they meet their friends, the people that they are servicing, in these apartment houses. And I would like very much to help these people.

Q Is your understanding that this group arose right after the riots from the community itself?

A Right. That is the reason why it arose, according to what they said to me.

VICE CHAIRMAN BROWN: May I ask a question?

MR. ROBINSON: We are at the breaking point on the police-community relations and this would be the point for you gentlemen to ask questions, if any, in this area.

VICE CHAIRMAN BROWN: I would like to ask just this: Director Spina, you said in response to the question by Counsel that you didn't ask for any consideration in the budget for police-community relations. Am I correct?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: And I think your reply was it wouldn't do you any good to ask.

THE WITNESS: Yes, Mr. Brown.

VICE CHAIRMAN BROWN: Why did you say that or what is your reasoning for that position?

THE WITNESS: Because of sad experience. Every time I submit a budget, if the Mayor doesn't cut something out, the City Council winds up cutting things out. And the Mayor has got to the point where he is trying to keep the tax rate down, where he questions the purchase of a chair, even, $25 items.

It is remarkable how that man does delve into what you want it for and you have got to give him a reason for everything you get. And police-community relations programs, I don't think that most people can see tangible -- I see it but a lot of people can't see the tangible results that might come as a result of these programs.

VICE CHAIRMAN BROWN: Well, for example, your police ambassador teams are paid out of the regular department funds, aren't they?

THE WITNESS: No, sir.

VICE CHAIRMAN BROWN: Is that voluntary time?

THE WITNESS: No, sir. This money comes as a result of money that was left over from a fund that was funded by the Department of Justice for the Human Rights Commission.

VICE CHAIRMAN BROWN: Now, you also mentioned the fact, or did I misunderstand, but I thought you said that you got along well with that Human Rights group but there were a couple of them that hated you. Did I misunderstand? I want to make sure I

heard you correctly.

THE WITNESS: I think there is one that dislikes me very much.

VICE CHAIRMAN BROWN: Who would that be?

THE WITNESS: Mr. Black.

VICE CHAIRMAN BROWN: What is his position?

THE WITNESS: I don't think he likes policemen. He keeps making statements about police brutality, and he made one of the most obnoxious statements I have ever read in my life. He called policemen animals, and I don't think any policeman is an animal, and I don't think he had a right to say it. These are the kind of things that make me angry.

VICE CHAIRMAN BROWN: Now, you also talked about Lieutenant Green and the Fuld Neighborhood House and aid in clearing lots, and so forth. Are funds used for that kind of endeavor?

THE WITNESS: No, sir. Lieutenant Green did this purely on his own and on his own time.

VICE CHAIRMAN BROWN: So am I to understand that none of the police-community

relations projects received any direct funds from the city other than the salaries that might be paid to the officials who participated and gave their time?

THE WITNESS: Except for desks and chairs for the quarters.

VICE CHAIRMAN BROWN: Space, yes. Now, has there ever been a budget submitted that was rejected? Have you ever submitted a budget --

THE WITNESS: For police-community relations?

VICE CHAIRMAN BROWN: Yes.

THE WITNESS: No.

VICE CHAIRMAN BROWN: Why are you so sure that if you submit it that you won't get some consideration for it? Have you been told you won't?

THE WITNESS: No, Mr. Brown. It is just an assumption on my part because I know the Mayor so well and I know the City Council so well.

VICE CHAIRMAN BROWN: Well, the Mayor isn't always spoken of in the same voice with the City Council, I understand.

THE WITNESS: Well --

VICE CHAIRMAN BROWN: He has independent positions, too, does he not?

THE WITNESS: Yes, he does.

VICE CHAIRMAN BROWN: I thought as much. Now, there was one mention, too, of the provisions on the $3400 limit which the Federal Government imposes. This is the same limit they impose for public housing, I think, roughly. It is $3400 less a hundred dollars for every child. In other words, a person can make $3400 but if he has five children, he can make say $3900. That is the way that --

THE WITNESS: All I know is that we are having tremendous difficulty in getting children who qualify because of this provision, and my understanding is that the maximum income is $3400 for a family of four.

VICE CHAIRMAN BROWN: This is a general level that is supposed to represent poverty, I think.

THE WITNESS: Right, which is ridiculous in the State of New Jersey.

VICE CHAIRMAN BROWN: Now, with all of the programs we have outlined, and I think there

were many more that were mentioned before I came in, were there any of them whose personnel played any pivotal or important roles in the course of the disturbances in July, in terms of aiding the police or not aiding the police or aiding the community response of any kind at all?

THE WITNESS: The PALCOP program operated right through the riot.

VICE CHAIRMAN BROWN: That is your program for taking care of children.

THE WITNESS: Right.

VICE CHAIRMAN BROWN: I am talking about those that related to the community itself, such as the ones that worked through your coalition with the Explorers, with your Frontier Clubs. Your Ambassador program came later, I understand.

THE WITNESS: Right.

VICE CHAIRMAN BROWN: With your Community Relations Bureau, which functioned even though it had no funds. Did any of this play any substantial part either in communication with the Negro community, which was in the throes of this disturbance or in any way participate

in those days?

THE WITNESS: Well, our PAL boys were very active. Charley Meeks went out and recruited them and they became very active, trying to still the violence and the hostility.

VICE CHAIRMAN BROWN: You refer to Sergeant Charles Meeks?

THE WITNESS: No, sir. He is a detective.

VICE CHAIRMAN BROWN: Detective Meeks.

THE WITNESS: Yes. He never takes examinations. I wish he would. Our Police Community Relations Bureau tried the best it possibly could to meet and talk with people. They were present most of the time.

VICE CHAIRMAN BROWN: I am sure it did. My question had a bad thrust. It was whether or not they were effective in any way in helping.

THE WITNESS: The only effectiveness was the PAL boys, believe it or not.

VICE CHAIRMAN BROWN: They were effective?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: What days would

you say they became effective, Wednesday, Thursday, Friday, Saturday? I am assuming that Wednesday, Thursday, Friday, Saturday and Sunday would be the days of your disturbance with Thursday the critical night.

THE WITNESS: I would say beginning Thursday.

VICE CHAIRMAN BROWN: What did they do?

THE WITNESS: They went around talking to the boys and telling them, as Charley Meeks described it, "Cool it," the expression they use, and told them that they shouldn't become involved. And from what I understand, some of them actually were involved in throwing stones.

VICE CHAIRMAN BROWN: They were involved initially, I suppose.

THE WITNESS: Right.

VICE CHAIRMAN BROWN: How many would you say there were who had gone out and tried to help?

THE WITNESS: I couldn't say that.

VICE CHAIRMAN BROWN: Meeks would be the one who would really know?

THE WITNESS: Right.

VICE CHAIRMAN BROWN: I have no further questions.

BISHOP TAYLOR: In your comment concerning police brutality, are you saying that police brutality has been exaggerated or are you saying that there is no police brutality in the City of Newark?

THE WITNESS: Well, I say it is exaggerated. I maintain and I insist that this is a carryover from a Marxian Doctrine, that Karl Marx in his Das Kapital has stated, that in order for the working people to take over that they first must subvert the police officers, they must create an area and aura of hostility between the police and the public, to the degree that the police can no longer function properly, and when that happens they take over. Now, this has happened in the countries that are behind the Iron Curtain, for example. I don't think this is happening here but communist organizations in the United States have repeatedly over and over again talked about police brutality. One of the first things they do is bring out signs of police brutality.

BISHOP TAYLOR: Let me ask you, sir, were all the accusations concerning police brutality made by people of Marxist mind?

THE WITNESS: No. But, you know, you keep saying it over and over again in public and people are going to believe it.

BISHOP TAYLOR: Do you have any documentation of police brutality during the recent riot?

THE WITNESS: No. We have allegations and there are investigations being made, but we have no documentation as yet.

BISHOP TAYLOR: Do you have any reason to believe that there was police brutality?

THE WITNESS: Well, I don't like to use the words "police brutality." I would rather say that I believe there have been instances, especially during the riot, where there was excessive use of authority and physical force.

BY MR. ROBINSON:

Q And they are being investigated?

A Yes, sir.

MR. JAFFE: Director, just on the Bishop's point, you talked about the Investigation Division that handles the citizen complaints

against policemen for excessive use of force. Could you tell us the average number of complaints a year that are received by your Investigation Division?

THE WITNESS: I can't tell you but next time I come I will bring the breakdown.

MR. JAFFE: One other question. Does your Investigation Division investigate the complaint and is a report made to you also for action? Are you the one who takes the action on it?

THE WITNESS: Yes.

MR. JAFFE: Could you tell us what kind of discipline generally you have meted out in these cases?

THE WITNESS: Well, frankly, I have not found many people guilty. After all, I must go by rules of law, and anybody in this room that is a lawyer must understand that a man must be found guilty beyond a reasonable doubt. And I have found men guilty. I find many of them, if they have committed a serious violation of this type, will resign.

MR. JAFFE: Could you have documentation for us next time on the number of people you have found guilty as a result of complaints by

citizens against policemen for excessive use of force?

THE WITNESS: Yes.

MR JAFFE: Would that be possible?

THE WITNESS: Yes.

MR. JAFFE: And my last question in that area is, my recollection is that in 1965 or 1966, I don't recall when, the Mayor of the City of Newark said that complaints against policemen in the City of Newark would also be referred to the Federal Bureau of Investigation. Is that procedure still being followed and, if so, how does it mesh with your own procedure by your Investigation Division?

THE WITNESS: Well, the corporation counsel refers them directly to the FBI and they make their own independent investigation. We have nothing to do with them and they have nothing to do with us.

MR. JAFFE: Does the FBI inform you of the results of their investigation?

THE WITNESS: They never have. They are a very top secret organization.

MR. JAFFE: One other question. Do you inform the citizen who makes the complaint

against the police officer of the results of your investigation?

THE WITNESS: Sometimes. I have made mistakes. It has been called to my attention in the past month that it would be better if and when a police officer were found guilty of an act by me that it should be publicized. I at first thought it would be bad for the morale of the department. But I now concede that I was wrong and I am going to publish it every time I do find a man guilty.

MR. DRISCOLL: Just one question. Does anyone keep a record of the meetings of the community councils to which you referred?

THE WITNESS: The police precinct councils?

MR. DRISCOLL: Yes.

THE WITNESS: Yes, sir. Every council meeting has minutes and I get a copy of them.

CHAIRMAN LILLEY: Let's break for ten minutes, Gentlemen.

(Short recess.)

MR. ROBINSON: I think at this point before I take the Director into a new area, we ought to throw it open to any more questions

there might be of the Director regarding the police department's community relations programs.

VICE CHAIRMAN BROWN: Do you view questions on the question of police activity as legitimately within this area, the question of charges of excessive police action?

MR. ROBINSON: Yes, I do. I think the Director does also.

VICE CHAIRMAN BROWN: Director, one of the things that I have been told, and I ask you this to verify it, is that when complaints against excessive police force -- and I had a fight with Don Robinson, he insists that I must use "excessive force" and I said "police brutality," so he won, he said you don't like "police brutality" as a phrase -- as to excessive force, when one complains does he make a sworn statement of his complaint, that is, an affidavit to the effect that he contends that such and such event occurred?

THE WITNESS: Our Inspection Division customarily requires that but there is no --

VICE CHAIRMAN BROWN: It is not required under any regulation?

THE WITNESS: No, no regulation. This

was set up I think by Deputy Chief Harwin when he was the commander. I have never questioned it and I never thought there was any reason to question it.

VICE CHAIRMAN BROWN: Well, let me give you one issue of which I have been made aware, that there are those who have stated that if they make such a sworn statement and then it is disproved or that the complaint is not found valid by police department internal machinery, that there have been instances where they have then been charged with false swearing. Do you know of any such events?

THE WITNESS: I think Mr. Lofton called to my attention one such situation.

VICE CHAIRMAN BROWN: He mentioned it to me, and someone else has mentioned it to me. Do you know of any such situation?

THE WITNESS: I don't remember what it is any more. That is the only one. But this was not as a result of what the Inspection Division did. I understand that the police officer involved became angry and he is the one that instituted the charge.

VICE CHAIRMAN BROWN: Well, of course,

this question grows out of that and I wasn't asking for the purpose of probing that particular instance. Since there is no regulation requiring it and since apparently some persons are discouraged, if persons do lodge a complaint, would it be accepted if they do not swear to it? In other words, if they give the facts and state, "These are the facts," but not to swear to it by signing a sworn complaint.

THE WITNESS: It is done over and over and over again.

VICE CHAIRMAN BROWN: That would be more the rule than the exception, then?

THE WITNESS: I think so, because a lot of the investigations that are made I either get a telephone call or a letter and it starts from there.

VICE CHAIRMAN BROWN: Yours is an informal investigation on a letter or call?

THE WITNESS: It is not mandatory that a written statement be made and you know, of course, they don't have to give a written statement and we still investigate it.

VICE CHAIRMAN BROWN: In that case you

make a record of it and I suppose set up a file on it and follow through?

THE WITNESS: Right.

VICE CHAIRMAN BROWN: Now, from the riots themselves, have you set up such files in terms of investigations that are requested or initiated either by sworn statement, by phone or by letter?

THE WITNESS: You mean separated or just in one category?

VICE CHAIRMAN BROWN: Do you have them set up so you have the statistical data on it?

THE WITNESS: I can find out and bring it at the next meeting.

VICE CHAIRMAN BROWN: Would you be able to do that? I think that might be included in what Mr. Jaffe asked for. On that, that would give the number of complaints made, in whatever form, and I understand that a great many would not have been disposed of but the status that they are in now. You have no objection to that?

THE WITNESS: No.

VICE CHAIRMAN BROWN: Now, in terms of the excessive police action, "Police Brutality,"

do you feel that when you took over that there was some justification for the widespread belief in Newark that there was excessive interrogation in police stations, and so forth, in Newark?

THE WITNESS: Yes, I do.

VICE CHAIRMAN BROWN: You feel there was. Now, I noted in the paper today that you stated that some Newark policemen were lacking in professional attitudes towards their work.

THE WITNESS: Since the riots I have noticed that.

VICE CHAIRMAN BROWN: Yes, since the riots. Would you say that in part from the time you took over -- which was when, '61 or '62?

THE WITNESS: '62.

VICE CHAIRMAN BROWN: -- that in fact you took over a department that needed this professionalization and that this might be the reason for the past excessive interrogation, and so forth?

THE WITNESS: Well, I don't think that had anything to do with it.

VICE CHAIRMAN BROWN: What do you think

prompted this? If you feel that it existed and it wasn't professional attitude, what do you think it was?

THE WITNESS: Well, when I talk about lack of professionalization as a result of an interview with a newspaper reporter, I was not alluding to any excessive use of force.

VICE CHAIRMAN BROWN: No. That is not the thrust of my question. The thrust of my question was, when you took over in '62 you felt that in fact there had been and was then excessive interrogation, and so forth, going on. What would you feel the root of that was?

THE WITNESS: A lot of it is a feeling that people have, as I said before, that it is an integral part of a police department to compel testimony or adduce evidence in any way that they possibly can in order to obtain convictions.

VICE CHAIRMAN BROWN: Well, this then would be in a sense not related to your statement today, lack of professional approach. They feel it is professional belief and it is part of their job to get this information or felt it was part of their job to get that

information regardless.

THE WITNESS: At that time, yes.

VICE CHAIRMAN BROWN: So this would be a part of the professional orientation which says, "This is not your job to get it at all costs but merely to follow certain routes."

THE WITNESS: They understand that now.

VICE CHAIRMAN BROWN: Now, from 1962 to let's say 1967, around July, could you give us the statistics as to how many charges of excessive action on the part of the police, whether in interrogation or in arrest, were charged? Do you have that data?

THE WITNESS: Yes, sir, we do. I will bring it at the next meeting.

VICE CHAIRMAN BROWN: Now, in terms of this approach of the police towards the new professional attitude and the education that you have indicated, people working for associate degrees, and so forth, someone handed me this thing. I suppose you have seen it. Have you ever seen anything similar to that?

THE WITNESS: Not exactly like this. The wording was different.

MR. ROBINSON: Identify the document, Mr. Brown, please.

VICE CHAIRMAN BROWN: Yes, I will. The document that I allude to is one that says as follows, and it is very brief: "We the people of Newark, in order to form a more perfect police department, establish justice for the law abiding citizen, promote police independence from radical pressure groups, and secure the blessings of safety to ourselves and our children, do ordain to support our police in all matters pertaining to their effectiveness and independence, therefore we submit this petition to the Newark Municipal Council to place the issue of supplying our police with a canine corps to a direct vote of the people." I would like this to be an exhibit if you would so mark it.

MR. ROBINSON: Please mark it.

(Marked Exhibit 26.)

VICE CHAIRMAN BROWN: Have you any information that these are being distributed from the precincts or are being encouraged by the police in the precincts with respect to the canine corps issue?

THE WITNESS: There may be some policemen who might be spreading it. I have no knowledge of it.

VICE CHAIRMAN BROWN: Well, in the event that -- let's assume for the sake of the question that they are being distributed and encouraged by the police, would that be within the right of the policeman with the sanction of the precinct commander or on his own to promote that sort of thing?

THE WITNESS: Oh, I think he has a right under the first amendment to circularize it or to do what he wishes with it.

VICE CHAIRMAN BROWN: On his own time?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: But my question is related -- certainly on his own time is not the issue. The question is whether out of the precinct during official duty hours and on official time, would that be a proper distribution?

THE WITNESS: It would be improper.

VICE CHAIRMAN BROWN: Improper. And I am certain that if reliable information came to you that that was being distributed,

you would take whatever action you thought necessary.

THE WITNESS: I would.

VICE CHAIRMAN BROWN: Now, with respect to this canine corps issue, which is now I think affecting community relations in certain areas of the city, I think you have taken the position with respect to that canine corps officially, have you not?

THE WITNESS: I have.

VICE CHAIRMAN BROWN: What is your public position on that?

THE WITNESS: My position is that it is a good technique of law enforcement.

VICE CHAIRMAN BROWN: So that roughly one could say to you you are pro, you feel it would be useful to the police department?

THE WITNESS: Definitely.

VICE CHAIRMAN BROWN: Have you found any reaction to this either through direct response from the public, through your community relations people in terms of communicating the wishes of the public on that?

THE WITNESS: Well, you know the answer. The answer is a polarization of the races here.

VICE CHAIRMAN BROWN: I would be interested in that answer, Commissioner.

THE WITNESS: The Negro opposes the adoption, generally speaking, of the canine corps and the white people want it.

VICE CHAIRMAN BROWN: Well, as a person who is a practicing sociologist, and I think you are that in addition to being Director of Police --

THE WITNESS: You think --

VICE CHAIRMAN BROWN: I do. I think you have tried damn hard, whatever anybody says. Do you believe that if you do have this polarization of the races on an issue, that the issue then grows out of proportion to its effectiveness as a police technique and then becomes almost a social issue?

THE WITNESS: I have said that, too.

VICE CHAIRMAN BROWN: Well, now, in view of that, the fact that it is perhaps out of proportion to its use as a technique and it is now a greater social issue, black versus white, do you feel you could still feel that its use as a technique outweighs its damage as an exacerbating or irritating influence to

at least a portion of the population?

THE WITNESS: In a sociological sense, that's right.

VICE CHAIRMAN BROWN: Well, do you feel that the Negro community almost unanimously reacts against this?

THE WITNESS: Well, I would say a substantial number of them.

VICE CHAIRMAN BROWN: And a substantial number of the whites?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: Well, frankly speaking, do you envision it as a post-riot situation, perhaps growing into an irritant and a friction far beyond what its use would be to the police department?

THE WITNESS: Mr. Brown, I am going to be very frank with you.

VICE CHAIRMAN BROWN: When have you ever been otherwise? I can't remember that.

THE WITNESS: I could hedge if I want to on this question.

VICE CHAIRMAN BROWN: I have never known you to hedge.

THE WITNESS: But we have a two-sided

problem here, and the ramifications of the problem might result either way in violence. The whites are obsessed with the idea now that they have been defeated with the polarization around the canine corps -- all it is is a symbol, you know -- that I don't know what they are going to do. I know that they are growing in numbers.

VICE CHAIRMAN BROWN: When you say "they --"

THE WITNESS: The white groups.

VICE CHAIRMAN BROWN: The white proponents?

THE WITNESS: Yes. The white, as they call themselves, indignation groups, are growing in size and militancy, which we never had in the city before. And I just don't know what answer to give you, how it should be resolved. It is something that I can't solve. I don't know who can. The problem is one that a great many people have to sit in a room and try to bring these two opposing groups together.

VICE CHAIRMAN BROWN: Well, do you think, as I have indicated, that it has grown out of proportion in the sense that as a

police technique you think it is effective? Somewhere it is going over into a polarizing issue between Negroes and whites. Do you think that the white people would be able to curb their feelings if this were turned down or do you think it would promote further possible strife if this is defeated, as it has been in the City Council, I understand?

THE WITNESS: I don't know the answer to that.

VICE CHAIRMAN BROWN: Well, do you think that this -- I am trying to relate it to the excessive use of police force as has been charged -- do you feel that this would be another instance that would lend credence to the concept that the police use excessive force where Negroes are concerned but not where whites are concerned, as a rule? Would this not lend any credence to that, don't you feel?

THE WITNESS: You mean the Negroes who allege this because of the canine corps?

VICE CHAIRMAN BROWN: Yes.

THE WITNESS: Well, they are going to allege it anyway. They have been alleging it

way before I took office. And I think I have done as much as any human being could do to try to bring around better police-community relations, and I have not been successful.

VICE CHAIRMAN BROWN: Well, assuming that to be so, and I think there are many who would argue with you, can you suggest any reason why an enlightened Director such as yourself has been unable to make any inroads in this, shall we call it, antagonism toward the police among Negroes? Is that fairly accurate?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: Why do you feel in spite of your actions this antagonism persists?

THE WITNESS: I don't know. Maybe these people really feel this way. Now, Mr. Lofton is one that always opposes me and he is always talking about police brutality, and I really don't know why. He may have some facts that I don't have. And I have talked to numerous people and they always tell me, "Well, like he says, you are making investigations and they don't get anywhere."

Now, let's be reasonable. If you try a man, you have got to find him guilty beyond a reasonable doubt. It wouldn't be fair otherwise. And just to make allegations of this type is not fair either.

VICE CHAIRMAN BROWN: I would say that is true except that I think one of the policies you have had is not to make public the findings, so people don't know.

THE WITNESS: Well, this is true.

VICE CHAIRMAN BROWN: That would be so, but to get back to this point, which I think indicates something very important, since the riot you have indicated that you do have groups like the council of young people you described, and you say your ambassadors have gotten pretty good reception wherever they go, how do you gauge this new white anti-Negro, anti-white reaction to the canine team situation?

THE WITNESS: Well, they are loosely tied in but I don't think that is the whole answer.

VICE CHAIRMAN BROWN: But you say they are polarized, white and black, on the basis of

dogs.

THE WITNESS: This is polarizing the races.

VICE CHAIRMAN BROWN: And we admit this is a relatively unimportant police technique if you look at it objectively.

THE WITNESS: Well, you know that seven dogs are not going to make such a tremendous difference in this city.

VICE CHAIRMAN BROWN: Let's assume it is a minor matter. How do you account for the fact this thing you say you have never seen in Newark, this polarizing around the seven dogs -- what do you feel could be the answer? Certainly it is not the seven dogs, objectively speaking.

THE WITNESS: I couldn't answer that.

VICE CHAIRMAN BROWN: I am going to ask one last question. In a city like this where you say the white community feels it is defeated over this canine team of seven dogs, do they also feel that they have been defeated or threatened by the riots and its course and its culmination?

THE WITNESS: Well, I think by a whole

series of things -- I think they resented the type and the scope and the violence at these protest meetings.

VICE CHAIRMAN BROWN: You mean pre-riot?

THE WITNESS: Yes. I think that the number of crimes that are being committed by Negroes on whites, especially merchants -- and I have never seen merchants before in the ghetto areas, for example, so anti-Negro when they talk to me. These are some of the reasons I think that there is this growing animosity.

Also the fact that these riots were so widespread and they were fearful of their own safety. I know because I had to ride in various areas of the city, which has not been publicized before, to allay the fears of the whites, to talk to groups of whites who were armed -- I know they were -- and to tell them to go home, that there was no fear in the Negroes coming into their areas. In locations, for example, like Bloomfield Avenue and North 3rd Street, the whites refused to disperse for our white radio policemen and stoned them.

VICE CHAIRMAN BROWN: The whites stoned the police?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: When was this, Director?

THE WITNESS: The third day, was it?

MR. MILLARD: About the third day.

THE WITNESS: And they did it on more than one occasion. I had to go there myself.

VICE CHAIRMAN BROWN: What was the reason, if you have ascertained it, for stoning the white policemen?

THE WITNESS: Because the white policemen wanted them to disperse and go home.

VICE CHAIRMAN BROWN: Why shouldn't they disperse like anybody else? What was their reason for saying they wouldn't disperse?

THE WITNESS: They said the Negroes were coming into their areas and they wanted to stop them, repel them before they came into the white areas.

VICE CHAIRMAN BROWN: But why stone the police? I would understand if Negroes came in.

THE WITNESS: Because the police were trying to force them to disperse.

VICE CHAIRMAN BROWN: Well, did the police make any arrests of these people who were resisting them as they did of the Negro groups that resisted them?

THE WITNESS: I don't know.

VICE CHAIRMAN BROWN: Well, now, when these white people were armed, did the police move in to disarm or did the police take any action against those whites whom they knew to be armed?

THE WITNESS: Well, let me put it this way: We didn't know they were armed. I assumed that some of them were armed. I saw no weapons, and none of the police officers that I talked to saw any weapons.

VICE CHAIRMAN BROWN: Well, Director Spina, are you actually saying that now the white population of Newark has in some areas reached the point where they are armed and feel that they have been defeated in some aspects and are ready for, shall we call it, "action"?

THE WITNESS: I don't think they have quite reached that but they are just about to reach it.

VICE CHAIRMAN BROWN: They are about to reach that point?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: So that you may possibly be met with some white situations of unlawfulness in the area of violence?

THE WITNESS: That is true.

VICE CHAIRMAN BROWN: Conceivably.

THE WITNESS: That's true.

VICE CHAIRMAN BROWN: And I am sure that your department will meet that just as you would with Negroes.

THE WITNESS: Well, let me tell you this, Mr. Brown, and I hope it stays in this room.

(Discussion off the record.)

VICE CHAIRMAN BROWN: Now, in terms of the feeling of the Negro community, have you seen any evidence of them -- I'm sure you have your undercover people, too -- any evidence of Negroes forming groups or in anywise arming or in anywise getting ready for "action" in a racial sense?

THE WITNESS: No. We have no definite evidence. All we have is a great many leaflets, very scurrilous, inciting kind of leaflets, and

we have a great many rumors and informers come in to talk to us but to date we have found no caches of guns as has been reported by some informers.

We get a lot of reports and rumors, which we have not verified, that militant groups have started. We actually don't see any.

VICE CHAIRMAN BROWN: So actually if militant groups would have formed in Newark of the kind we described in the white community, it would be the first time we ever had any such groups as those, wouldn't it?

THE WITNESS: White groups?

VICE CHAIRMAN BROWN: The first time we had white groups, and if they formed in the Negro community, it would be the first time we found any such organized groups in the Negro community, would that be correct?

THE WITNESS: That we know of.

VICE CHAIRMAN BROWN: Well, you are doing the best you can, that you know of.

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: So then actually as far as we know, then, the white community

apparently is more aroused than the Negro community in terms of this "action"? Would that be correct at this time?

THE WITNESS: I wouldn't put it that way.

VICE CHAIRMAN BROWN: How would you put it?

THE WITNESS: I would put it that there is just as much antagonism and anger on the part of the Negro as there is on the part of the white.

VICE CHAIRMAN BROWN: Is it anti-white or is it Negro against Negro sometimes? We have heard that there is a great feeling among some Negroes that the groups that had to do with the riot were way out of line.

THE WITNESS: That's true, but it has not reached expressions where it has been meaningful, where these people who have expressed themselves against those people who participated in the riot have organized themselves to say these things or have come out publicly to say these things. This has not happened.

VICE CHAIRMAN BROWN: You have had no

support from the Negro community on that score?

THE WITNESS: Very little. I was very, very happy last week to have the Voice of the Ministers come to my office, the week before last, and they are the first large group of people who have come to my office to talk to me about this problem and tell me that rioting is wrong, violence is wrong, sociological factors do exist for the kind of conditions but violence is not going to solve it, and this is the reason why they wanted to try to establish a rapport and perhaps this is one way that this can be achieved, by getting all the different clergy of different faiths to get together and start working.

I know we hear a lot of people, especially militant Negroes, that say that the church doesn't mean a damn thing, the ministers don't mean a thing, but I don't think so. I think that if there is a concentration of ministers and priests together who will come forth and start talking about these things, something about conciliation rather than protest, protest -- you get sick and tired of

hearing it -- I think that this would lead to better understanding and still at the same time where things are wrong, instead of making a big public protest, let's sit around the table and see if we can resolve them rather than incite and inflame the people.

What has happened since the riot I think is disgraceful in this community. We have nothing but people protesting about what happened during the riot. And you have the same latent exclamations about police brutality and things of the type. This does not do anything to clear the air or to make the atmosphere any better.

And I think this is one of the things that is desperately needed in this city if we are going to maintain this city.

VICE CHAIRMAN BROWN: One question in that area has been brought out by a previous witness. He stated, and I don't know whether you would agree with him or not, that many of the white persons are decrying, criticizing their own white ministers and priests because, for example, they felt that the dogs were wrong, and they were saying that the church should not

take a stand on these things. That has been published in the newspaper. So actually some of the white priests and others who have taken a stand against the dog issue seemed to be criticized. I think you have observed that, haven't you?

THE WITNESS: I know this is true. I have had a lot of white people come and tell me --

VICE CHAIRMAN BROWN: That they don't believe in their priest?

THE WITNESS: They call them filthy names, they say they are not going to support the church, and things of this type.

VICE CHAIRMAN BROWN: What about that reaction in the white community? Because they disagree, they feel they should vilify the priest?

THE WITNESS: The issue of the dogs should be resolved somehow. I don't know how.

VICE CHAIRMAN BROWN: But when they vilify white priests and white ministers, does that have a new meaning, something that wasn't done before?

THE WITNESS: Because in talking to these

white people, they say that the priests are being traitors and, as they express it, going over to the other side.

VICE CHAIRMAN BROWN: Well, tell me this in terms of the social need which, as you say, should be worked out through conciliation, and so forth. Wouldn't this indicate that if, for example, the white priest and the white minister said certainly Negroes have been damaged, certainly they need sociological gains, they need housing, et cetera, wouldn't the white community also and hasn't it repudiated these various ministers who say the Negroes need these sociological gains?

THE WITNESS: Well, I think if there is more grass-roots talking to the ordinary person in the city by ministers and by priests to explain what the situation is, I think it would be a lot better. The mistake the priests made was to come out publicly and say these things against the canine corps but not talk about other situations which would molify the whites.

VICE CHAIRMAN BROWN: Well, suppose the

priests and ministers sincerely felt that the canine corps was wrong, that sociological conditions should be improved and perhaps this led to the riot, and the whites didn't like it, you wouldn't feel they should molify them when they believe in what they say, would you?

MR. DRISCOLL: That is not the point, if I may interject.

VICE CHAIRMAN BROWN: Put it your way.

MR. DRISCOLL: I gather the answer of the director was that it was felt that the members of the clergy who concentrated on just one factor, namely the canine corps, without referring to other factors, was a mistake.

THE WITNESS: Definitely.

VICE CHAIRMAN BROWN: I accept that. Director, now I am coming back again to the original thought of police brutality. Is it possible, viewing what we have talked about in the last two or three minutes, that where the white community feels that the lack of a new, a small but effective instrument for the police, the canine corps, is something that should be and if they don't get it they are

defeated, might also explain why the Negro feels that police activity is excessive and that the police are serving the interest of the dominant property oriented community when they take whatever actions they do? Do you think there is some sense to that, the idea that the Negroes feel that police are pro-property, pro-majority as opposed to being fair and therefore when they say excessive treatment, police brutality, that it is within that orientation that they act?

THE WITNESS: I don't think that is the reason why they feel that way.

VICE CHAIRMAN BROWN: Well, why do you think they feel that way?

THE WITNESS: Well, like I said before, you keep repeating these things and you keep walking down the street like some organizations around this city with cries about police brutality and then you get people who have come from the south who have been subjected to fear --

VICE CHAIRMAN BROWN: And police brutality?

THE WITNESS: I wasn't going to say police brutality.

VICE CHAIRMAN BROWN: Excessive police force?

THE WITNESS: Certainly there is going to be this kind of a feeling, and the more protesters there are and the more they keep repeating this thing, you are never going to eradicate it. And I have been with people who in conversations with me felt that the police were fine and --

VICE CHAIRMAN BROWN: Negro people?

THE WITNESS: Negroes I am talking about, and then maybe about six months later something might have happened where maybe the policeman was verbally abusive to them, or something like that, and this fellow turns completely around.

VICE CHAIRMAN BROWN: Don't you think that perhaps one reason this reaction occurs is because no one has ever explained or made clear to the community that people like yourself and others are so concerned about it that they follow through on complaints, that they do take action and that things are being done?

THE WITNESS: Mr. Brown, let me tell you

one thing. It is hard for me to understand exactly how the Negro community feels, because over and over and over again I go before Negro organizations, and I don't save myself from any problems, because there isn't one organization I appear before that I don't tell them in advance -- I stipulate that I want a question and answer period at the end. And, you know, every time in the five years that I have appeared before Negro organizations, I don't think more than twice has anybody spoken about police brutality to me in a meeting. Do you know what they are interested in? They are interested in security in their homes and security in the streets. This is predominant. Of course, the other things, too, equality of opportunity --

VICE CHAIRMAN BROWN: They want what the white community wants, in other words.

THE WITNESS: Right. One of the things I have been impressed with especially since the riots, I have had delegations from the Reverend Hayes Homes, from the Scudder Homes, all Negroes, complaining to me about the lack of police protection and the fact that the

police did not act in a positive and aggressive manner.

VICE CHAIRMAN BROWN: Well, in view of that, isn't it true, too, that before the riots you had relatively little Negro against white crime other than larceny?

THE WITNESS: Well, there were some robberies --

VICE CHAIRMAN BROWN: I say other than robberies. Most of the violence is Negro against Negro in the Negro community.

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: 97 percent.

THE WITNESS: Maybe more than that. This is unfortunately true.

VICE CHAIRMAN BROWN: Then as far as violence of Negro against white, you had a very small amount?

THE WITNESS: You are absolutely right.

VICE CHAIRMAN BROWN: Have you since then had any increase of Negroes against whites as opposed to larceny and robbery?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: You have had increases in --

THE WITNESS: Yes, not only in the street but in stores. I get storekeepers coming to me repeatedly and I am at a loss of what to do. I don't know what to do any more.

VICE CHAIRMAN BROWN: Is it mainly storekeepers who are insulted and assaulted?

THE WITNESS: Not insulted, beaten up in the stores, people beaten up in the street, and these are Negro youths that are doing it.

VICE CHAIRMAN BROWN: You described an age group that you figured was somewhere in the late teens and early twenties.

THE WITNESS: Right.

VICE CHAIRMAN BROWN: Now, are any of these fellows, these late teens and early twenties, reached at the meetings and through the organizations, in your opinion?

THE WITNESS: No, sir.

VICE CHAIRMAN BROWN: So that actually at the meetings you would have the equivalent of whites who are concerned about safety whereas the very elements we are talking about wouldn't be there?

THE WITNESS: That is true except

occasionally when I get groups from the projects, you would be surprised on how concerned they have been in the past year about situations within the projects.

VICE CHAIRMAN BROWN: But this is Negro versus Negro.

THE WITNESS: Right.

VICE CHAIRMAN BROWN: Well, of course, the thrust of my question was that you wouldn't get questions at these meetings of these people because the very elements that you describe would not be present at the meeting, they wouldn't ask questions of police brutality or wouldn't even be there, the type you are complaining of.

THE WITNESS: Right.

VICE CHAIRMAN BROWN: Now, have there been any efforts or is there anything that you can suggest or can think of that could reach the people you just described as those who are not at the meetings, who are perhaps responsible for the increased assault ratio on whites?

THE WITNESS: Well, there are several ways of doing it, I think. For days and days and days I have been thinking of how this thing

can be done. I am convinced that the one way it can be done is by having people who are going to dedicate their lives or at least a portion of their lives to this specific problem. First of all, I think that these high-rise projects should be torn down, but if you can't tear them down economically, I think that if corps of young people, for example, like this Newark Youth Council we are talking about, would be allowed space in these buildings and helped financially -- and they are not looking for a lot of money -- that this could be a wedge in this battle. The other problem is the fact that your educational system is bad, is extremely bad.

VICE CHAIRMAN BROWN: Not preparing people?

THE WITNESS: That's right. There is no discipline in our schools and they are not learning anything. I am speaking in general. This is another thing that hurts. They also need something else which they don't have and people all over the world are getting away from and that is the church. I don't care what your denomination is but I think somebody

somewhere should reach these people about the moral values of life and you can do it through churches, I think the church has failed miserably in this aspect. You know, great buildings built of stone or mortar do not make a church; it is the people that make it and the ministers of God who minister to those people.

VICE CHAIRMAN BROWN: Are you thinking alone of the Negro community now?

THE WITNESS: I am thinking of everybody.

VICE CHAIRMAN BROWN: White and Negro?

THE WITNESS: Yes.

BISHOP TAYLOR: My questions deal with the church only in a very indirect way. You testified earlier, I think, Director, that the participants in the riots were school dropouts. Am I correct?

THE WITNESS: No. I didn't specify they were school dropouts. I said they were teen-agers.

BISHOP TAYLOR: I thought you said "dropouts."

THE WITNESS: No, Bishop. If I did say

that, I made a mistake.

BISHOP TAYLOR: I will raise the further question, then. Has there been any statistical analysis made as to the educational status or qualifications of those people arrested as rioters?

THE WITNESS: No, sir.

BISHOP TAYLOR: You have no record?

THE WITNESS: No.

BISHOP TAYLOR: So we don't know from the standpoint of education who they are, whether they are special students on the basis of excellence or whether they are ordinary students or whether they are dropouts?

THE WITNESS: No. We haven't done that.

BISHOP TAYLOR: Now, you mentioned also that the preachers ought to speak to the people. Is there any record as to whether or not these rioters had any church affiliation or any record of church attendance anywhere at any time?

THE WITNESS: There is no record but, if I may, I want to say that people in general who live in those areas that I am talking about don't go to church. There are a lot of

churches in the areas surrounding it but if you go to Sunday services and talk to these people as they come out, you will find that at least 75 percent of them don't come from Newark, they come from the suburbs. And this is the problem with these young people; they don't reach God at all.

BISHOP TAYLOR: I happen to supervise 250,000 people in the State of New Jersey and 95 percent of them are not Negroes. And I want to say to you, sir, that the lack of church attendance is not limited to the masses of Negroes, that some of the most sophisticated whites don't ever darken the church door.

THE WITNESS: This I am familiar with, too.

MR. DRISCOLL: He said that.

THE WITNESS: This I am familiar with. I said all over the world this is going on.

MR. DRISCOLL: Does Philadelphia have a canine corps?

THE WITNESS: Yes, sir.

MR. DRISCOLL: And did they have the same problem when they introduced the canine corps that Newark is having?

THE WITNESS: Well, now, let me think back. I think it has a canine corps in the subways. I am not sure whether they have one above ground.

MR. DRISCOLL: I am not sure either.

THE WITNESS: And I don't know whether or not they had any problems when they instituted it. But they only instituted it about four years ago, three years ago.

MR. DRISCOLL: That is correct. And I have received very good reports on its effectiveness in Philadelphia. What caliber guns do you have available? You have revolvers and you have shotguns?

THE WITNESS: Yes, sir.

MR. DRISCOLL: Do you have rifles?

THE WITNESS: We just ordered them.

MR. DRISCOLL: But you didn't have them on the occasion of the riot?

THE WITNESS: No, sir. We had very few shotguns, too.

MR. DRISCOLL: Did the National Guard issue rifles to the Newark policemen?

THE WITNESS: No, sir.

MR. DRISCOLL: That covers my questions.

BY MR. ROBINSON:

Q Now, could we get into the area of what your investigations and surveys and opinions show regarding sociological factors for racial unrest in Newark preceding the riots.

A Well, first I think I ought to start by describing the City of Newark. Newark is one of the smaller cities in geographic area in the United States for a large population. It has 23.6 square miles, and approximately 5 square miles of this area is used up by meadow lands, the airport, and parks. Newark has the third most dense population in the United States. So what I am saying is that most people in the City of Newark live in multi-story buildings, and people who live in multi-story buildings, especially if they have children, have various problems.

I think it is also important to point out that Newark is a corridor city between Philadelphia and New York, and being a corridor city, we have many problems as a result of being this kind of a city. I think, too, it is important to tell you that Newark is also unique in that it has the greatest increase in daytime population of any city in the United States. We estimate at the present time that the increase in the daytime is one hundred and five percent. In other works, the population in the daytime more than doubles itself. And with the doubling of the population in

the City of Newark, it brings again the attendant problems, traffic, and so forth, where we have to use a great many men. It also brings the problems of providing security for the people who come to this city. These are some of the important things about the physical characteristics of the city.

Q Now, do you have any statistics on the amount of crime and delinquency in Newark?

A I meant to bring them with me. I don't think I did. I want to also cite the fact that Newark has the predominant number of school dropouts in Essex County. There are over 10,000 school dropouts in the county, and the majority of these school dropouts are located in the Central Ward. Now, taking the picture of crime in the City of Newark, if we pick Jones Street and 14th Avenue as the geographic center of the City of Newark, which we have, in fact, and we drew concentric circles around this center, you will find that almost 80 percent, 78.7, something like that, of all the Part 1 crimes in the City of Newark are committed in that two mile circumference. And I think this is significant because it indicates that there are conditions there which need rectification and, of course, everybody knows that this is the area in which the Central Ward is located and which most of our slum areas are located.

Q You said "Part 1 crimes." What are they?

A Well, Part 1 crimes are those crimes which have been picked by the International Association of Chiefs of Police and the FBI as those crimes which constitute the criteria for the amount of crime in any city. The committees which comprise these organizations stated that these are the type of crimes which could accurately measure the disorder and the crime in any municipality. For example, they are murder, rape, robbery --

Q Major crimes?

A -- atrocious assault and battery, larceny over $50, larceny under $50 and auto theft. Did I say rape and robbery?

MR. DRISCOLL: Yes.

THE WITNESS: There are seven categories. Now, they are peculiar crimes -- for example, larceny over $50 and larceny under $50 and auto theft, they have made an intense study of the crime current and they feel that these are the correct categories to use.

Q Now, are the bulk of these crimes in that geographic center committed by Negroes on Negroes?

A Right.

Q That is what your analysis shows?

A Right. For example, we average around 58 murders a year, and over 95 percent of these murders are murders of one Negro by another Negro. And they are very stupid murders. They are either the result of passion, a great deal of drinking or quarrels where they have been drinking.

VICE CHAIRMAN BROWN: Doesn't that reduce them to a strange category? They are either relatives or friends?

THE WITNESS: Very often.

VICE CHAIRMAN BROWN: The victim is a relative or a friend?

THE WITNESS: Yes, and sometimes it is one who cohabits with another. It could be the male or female.

VICE CHAIRMAN BROWN: I include those as friends.

THE WITNESS: Excuse me. The same thing with rapes. We average about 95 rapes a year in the City of Newark, and I'd say 95 percent of the rapes are committed by one Negro on a Negro woman. It is unfortunate but this is the situation which occurs.

BY MR. ROBINSON:

Q In your view what role has alcohol played in

this crime rate, from your studies?

A I want everybody in the room to know I am not a teetotaler and I like a drink but what is happening in the City of Newark is something that something should be done about. I have talked about this publicly but nobody says anything because there are vested rights in taverns. Newark has approximately 930 taverns, there are 260 package stores in the city and 60 club licenses. Now, if we take the population of the last census, 406,000, and you divide them by the number of people in the city, you will come to the conclusion that there are approximately 425 men, women and children for each tavern in the city, and we are excluding the package stores and the club licenses. Now, this is absolutely wrong. This brings on the kind of social climate which is conducive to drinking and a kind of social condition which results from drinking and alcoholism.

There should be some way to eliminate some of these taverns. We cite these taverns time and time again before the Newark Alcoholic Beverage Control but it appears that most infrequently has anything been done about it. Just last year for the first time the Newark ABC finally closed down three taverns because of the habitual use and sale of narcotics within the premises. Newark ranks as one of the highest cities in the United

States in the purchase of alcoholic beverages.

Q Now, do these statistics include what I understand are grocery stores and delicatessens in the Central Ward and other area that do sell alcoholic beverages?

A I am not talking about them at all.

Q They are in addition to what you gave us?

A I told you there are some 930 taverns and 260 package stores.

Q That is exclusively liquor?

A That's right.

Q And then in addition we have the groceries and delicatessens that do sell alcoholic beverages, is that right?

A Well, they have divided premises, yes, some of them do.

Q Now, what about the problems and analysis you have of narcotic addiction in Newark? Can you give us your comments on that.

A Newark ranks fifth of all the cities in the United States in arrests for narcotic violations. We estimate that probably 50 percent of the crime that is committed in the City of Newark is committed by narcotic addicts, and this is a dreadful social problem that nobody seems to be doing anything about. There is a lot of talking being done but nothing -- there are not a lot of

things that can be done about it.

Let me go back to who is the one who is an addict. You know, there was a time ten years ago, eight years ago, when an addict was known to come from a lower socio-economic strata and he came from a minority group, either a Negro, Italian, Puerto Rican, that kind of an area. And he was the kind of an individual who was submissive, he was passive, and who would not resort to violence, who would not resort to the use of force. But this has completely changed in the past ten years, because of the different content of consumption of the narcotic, mostly heroin. Today the narcotic addict could be anybody. He could come from the middle-class home, he could come from the suburbs, and frequently does. He can come from the poor home, which he also does. And he is a problem now, not only in the City of Newark but all over the state. And unfortunately a great many of these unfortunate individuals gravitated to Newark because it has areas in which there are bright lights and which they can congregate, which adds to our problems here in the city. Now, something should be done. I think a change of law should be made.

I have repeatedly recommended the passage of laws which make it mandatory imprisonment for people who violate our narcotic laws in that they sell narcotics illegally,

but unfortunately the governors of our state have vetoed -- I don't think that Governor Driscoll has --

MR. DRISCOLL: No, I didn't.

A -- but Governor Meyner has and I have had several conversations with Governor Hughes in which he indicated that he would never sign such a bill. We have a bill that is pretty good right now if it is implemented and that is Senate Bill 210. I don't know what the chapter is in the laws right now. This has some pretty good provisions, if everybody who is named in the bill does something about what their problem should be. Here in Essex County, which probably has one of the greatest concentrations of narcotic addicts in the United States, they don't do a damn thing about it. Under this bill the state would pay three-fourths of a treatment and rehabilitation center with the county paying one-fourth. I have written to the Essex County Board of Freeholders, the New Jersey Narcotics Advisory Council has done the same thing and has met with these people, and to date they haven't done a thing. They have not implemented their part of the bill.

Q Are there any treatment centers in Essex County?

VICE CHAIRMAN BROWN: I think you have two, don't you?

THE WITNESS: Well, you have one that is

called The Well. Our narcotics bureau doesn't think this is a success.

VICE CHAIRMAN BROWN: I don't think any county in the state has used this bill.

THE WITNESS: Oh, yes, they have.

VICE CHAIRMAN BROWN: Which county has?

THE WITNESS: Morris is the last one, two weeks ago, and I know because I am on the council. Bergen County already has a center, Union County has a center. Union, Bergen -- there is another county. There are four counties now.

VICE CHAIRMAN BROWN: I thought Morristown made three.

THE WITNESS: That is Morris County, isn't it?

VICE CHAIRMAN BROWN: But it is new, within two weeks.

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: So it isn't only this county; unfortunately the entire state has failed to use it.

THE WITNESS: But this is a problem county here. You know, every narcotics addict is a contagion. He is the one who pushes the

narcotics.

VICE CHAIRMAN BROWN: Why do you think the Freeholders of a number of counties, including Essex, have not implemented it? What is their statement?

THE WITNESS: We finally went to a meeting -- incidentally, the meeting came as a result of the Reverend Hayes Homes' women who came to see me and wanted to know why I wasn't arresting narcotics addicts that were found in the hallways or found out in the street, you know, surrounding the buildings. You know, they had 57 burglaries in two months in that building, because some fool lost his master key, and the authorities in housing, instead of having a master key for each floor, had one key for the whole project, so whoever got the original key was selling these keys for $15 apiece, and he was doing pretty good. But the other fellows that bought it for $15, they got smart, too, and they were selling keys for $15 apiece. Incidentally, they arrested several of them. But I explained to these people why we couldn't arrest these narcotics addicts, that they had rights under the Supreme Court

interpretation that we couldn't do anything about. They asked me very pointed questions. They were very vocal. They asked me why weren't these people put in some place where they could be treated.

VICE CHAIRMAN BROWN: Well, we have a bill to do that.

THE WITNESS: Which bill is this?

VICE CHAIRMAN BROWN: I will give you the number. It provides for treatment or incarceration.

THE WITNESS: This is Senate Bill 210. That is what I am talking about, but it doesn't work. It doesn't work because you don't have any place to put these people.

VICE CHAIRMAN BROWN: My question was, what was the answer of the Freeholders to the request?

THE WITNESS: You asked me another question on top of that, Mr. Brown.

VICE CHAIRMAN BROWN: Did I? I thought I asked that. You may be right.

THE WITNESS: We appeared before them with these people from housing, including Timothy Still, who was very strong in his

arguments before the Essex County Board of Freeholders. And they told us that they thought it was the job of the New Jersey Advisory Council or the state to start the program for them. And they also mentioned the fact that there was a budgetary problem involved and that it had never been called to their attention. Well, you know, there were a lot of people present, including the press, and there was no point in calling one another names over a table like this or a series of desks, so we did tell them that that wasn't exactly right. We were mild in our rebuttal.

But there is where it remains except that we have appointed a committee which is going to meet with a committee from the New Jersey Advisory Council and I am hoping that in the immediate future they do something.

MR. DRISCOLL: May I inject a question here. You made reference to the Supreme Court decisions. The former Federal Narcotics Commissioner told me personally --

THE WITNESS: Anslinger.

MR. DRISCOLL: -- that he thought we had the best narcotic laws in the country. Now,

a lot of water has gone over the dam and part of that water I take it are some of the Supreme Court decisions which handicap you in what you can and you cannot do, is that correct?

THE WITNESS: Yes, sir. For example, we can't stop and search anybody unless we have reasonable cause or probable cause or have actually seen or have a search warrant, and we try to keep by the Supreme Court rulings.

MR. DRISCOLL: You have to.

BY MR. ROBINSON:

Q Are you saying, Director, that if one of your patrolmen sees someone who is apparently under the influence of drugs, that the way the decisions are interpreted by you in your department, you are not permitted to arrest?

A No, unless we are positive about it. And now with the new interpretations by the New Jersey Supreme Court of the use law, a policeman can no longer testify as to whether or not the defendant is under the influence. It must be a doctor. In other words, you must call a doctor and he must examine the individual.

VICE CHAIRMAN BROWN: Well, that is not completely true. In the decision, Director,

they say that a certain type of testimony -- but actually the Supreme Court has modified that considerably so they can testify as to what they observe but they can't testify as to the particular drug, but they modified that.

THE WITNESS: Well, this is true but we don't do this any more as a matter of policy in our department because we waste a lot of time and most of the judges throw them out anyway, and we would rather catch somebody with the drug on them.

VICE CHAIRMAN BROWN: You are concerned more with the sellers and the pushers, anyway.

THE WITNESS: Yes, sir.

BY MR. ROBINSON:

Q Now, do you know how many registered narcotic addicts there are in Newark?

A Well, it is a little over 2,000 registered narcotic addicts, and we estimate there are at least 2,000 more that we haven't arrested and don't know much about.

Q This registration of 2,000 in the city, how does that compare with other cities?

A Well, as I said before, Newark ranks fifth in all the cities in the United States.

MR. ROBINSON: I think Bishop Taylor has a question.

BISHOP TAYLOR: The question I wanted to raise is, if you have great suspicion that a person is a peddler and you don't have a search warrant, do you have any power to retain that person, to detain him until a search warrant could be received?

THE WITNESS: Absolutely not.

BISHOP TAYLOR: You have to turn him loose?

THE WITNESS: Yes.

BY MR. ROBINSON:

Q Or follow him.

A What good is that? I don't know how they do it but they sense it when --

VICE CHAIRMAN BROWN: The Federal Government does it through a system of informers and have been very successful.

THE WITNESS: We use undercover policemen.

VICE CHAIRMAN BROWN: You have been

very successful. I think you are minimizing your success in that area.

THE WITNESS: But it is like a sieve, Mr. Brown.

VICE CHAIRMAN BROWN: You have been very hard on me in several cases.

THE WITNESS: It is like a sieve, Mr. Brown. You arrest one and for each arrest there are five more happening out there. It is a tragic situation.

VICE CHAIRMAN BROWN: Don't you think that alcoholism contributes to the crime rate? You said you feel narcotics use contributes about 50 percent.

THE WITNESS: Right.

VICE CHAIRMAN BROWN: It is wrong to ask you percentages but do you think that alcoholism contributes in large part also to the crime rate?

THE WITNESS: Absolutely.

VICE CHAIRMAN BROWN: Would this be in areas of violence as opposed to areas of violence for profit? In other words, you feel that a narcotics person assaults and gets money to buy narcotics.

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: Does the alcoholic in your opinion commit the act as a result of his alcoholic state against someone, generally violence, or does he contribute to other kinds of crimes?

THE WITNESS: Well, it is a multifold answer. The man who is an alcoholic, and I am speaking generally --

VICE CHAIRMAN BROWN: It has to be general.

THE WITNESS: Gnerally the alcoholic becomes belligerent and because of his belligerence and because he does not have control of his judgment, he gets involved in violence, and this is where you have your murders. As I said before, a great many of these murders are just a result of alcoholic haze. Some of the times they don't even know what they did. The other crimes that are committed are committed by individuals who need a stimulant so that they can perform the crime. In other words, they need drink to do this. And a lot of them drink an awful lot before they involve themselves in crime.

VICE CHAIRMAN BROWN: You don't make this a white-black issue?

THE WITNESS: Oh, no.

VICE CHAIRMAN BROWN: This would be true in all areas?

THE WITNESS: Yes. I can take you down to Mulberry Street. You will see the same conditions as Spruce Street.

VICE CHAIRMAN BROWN: As to your addicts, it is also a multi-racial thing now?

THE WITNESS: It is about 50 percent.

VICE CHAIRMAN BROWN: Is it that high?

THE WITNESS: Yes.

VICE CHAIRMAN BROWN: You feel the whites are about 50 percent involved?

THE WITNESS: They are catching up.

VICE CHAIRMAN BROWN: The suburbs, too? The middle-classes are catching up?

THE WITNESS: The suburbs are worse and, you know, there is one thing that people don't understand. The suburban drug rate seems low but the reason is because the parents of these kids that are involved are able to give them money to buy the drug, which is what is going on.

VICE CHAIRMAN BROWN: So they don't commit the crime?

THE WITNESS: That's right.

VICE CHAIRMAN BROWN: It is also true as a matter of police studies that the least advantaged group, the Negro, Puerto Rican, Italian, is more likely to be arrested than the person who is well-to-do.

THE WITNESS: Not because we pick on him.

VICE CHAIRMAN BROWN: But the person who is well-to-do is not likely to be apprehended.

THE WITNESS: That's right.

BY MR. ROBINSON:

Q Now, have your investigations over the years shown that from 1962 to date various organizations have been a factor in changing the mood of the Negro community?

A Oh, definitely.

Q Could you tell us about those organizations by name and whatever information your investigations have shown and what effect they have had on the Negro community?

A Well, first I would like to talk about the Students For Democratic Society. Now, the Students For

Democratic Society was formed in June of 1962 at Port Huron, Michigan, and as they state in their constitution and their preamble -- let me see if I can quote it for you so I don't make a mistake -- it seeks to create a sustained community of educational and political concern, one bringing together liberals and radicals, activists and scholars, students and faculty. This organization was associated with the League For Democracy, Industrial Democracy.

Now, in Newark it came here originally at the invitation of a college professor from the Newark College of Engineering, Stanley Winters, and also at the request of a citizen named Stanley Aronowitz. And they were brought here originally in the summer of 1964 to become involved in community activities that the Clinton Hill Neighborhood Council was becoming involved in. This is an organization that was founded by Stanley Winters about ten years before, under which he was forming block associations under the aegis of the Clinton Hill Neighborhood Council. But right after they came here they tried to take over the Clinton Hill Neighborhood Council and Mr. Winters became angry about this and terminated his affiliation with them.

Now, immediately after this was done -- and, incidentally, this was a group of college students both

male and female -- right after this was done they started their own organization and they called themselves the Newark Community Union Project, well-known today in the City of Newark as NCUP. Now, they immediately became involved in all kinds of protests and demonstrations. As stated in their literature, they were affiliating or identifying themselves with the poor people in the neighborhood. They effected dress even more seemingly poverty stricken than the people in the area and they lived with them, talked with them. And every time they found one of the residents in the area which had a problem, they would take the problem over and try to do something about it, either by protest or demonstration or by the distribution of leaflets. They had a mimeograph machine. These mimeograph machines are great things. And they would make up these leaflets and distribute them all over the city.

Q Now, was a gentleman named Thomas Hayden part of that group?

A Yes. Thomas Hayden was a founder of the SDS. He is one of the intellectuals of the so-called new left. Now, this is a group of people which does not believe in affiliating themselves with socialists or communists. They feel that the way to produce a change in the economic status of the people is to produce a change in government,

and you do that by identifying yourselves with the people in the poor communities, gaining strength by affiliating yourselves with every kind of grass-roots movement within the organization, within the city proper. Tom Hayden was the guiding light and still continues to be the guiding light of the NCUP people in the City of Newark.

Now, immediately when they came to Newark they became involved in these demonstrations. And for the first time, for example, you see the amazing picture of a police precinct in the City of Newark being picketed, and to us in the police department this was shocking and it was hard to conceive, but it was done. And these are some of the things that they did when they --

MR. DRISCOLL: Is that the Fourth Precinct?

THE WITNESS: No. This was the Fifth Precinct when they first came in.

BY MR. ROBINSON:

Q That was in what year?

A That was in 1964, the end of '64.

Q That was the first picketing?

A Right.

Q And does your investigation reveal that this group organized and participated in the picketing?

A Well, they organized the picketing of the

Fifth Precinct.

Q And what was the protest at that time at the Fifth?

A I don't even remember. Something about -- always police brutality but they didn't allege any specific incident at that time. They wanted courtesy from the policemen. I think we have a picture here. They were complaining about policemen parking their cars illegally around the precinct. These types of things.

Q And this was, as you say, the very first picketing of a police precinct or building in Newark?

A That's right. We have a whole series of pictures here.

Q Did I understand your testimony to be that this was a group that you believed was communist influenced?

A I didn't say that.

MR. DRISCOLL: No, he didn't say that.

THE WITNESS: I said they don't believe in aligning themselves with communists. And this is one of the earlier pictures.

Q These are photos of what, Director?

A This is the picketing at the Fifth Precinct. And this is a leaflet they distributed at the time.

MR. ROBINSON: Let's have the leaflet marked.

(Table of Organization, marked Exhibit 27.)

(Leaflet entitled, "There is no law for your kind of people," marked Exhibit 28.)

Q Would you read us the caption on that.

A The caption is, "There is no law for your kind of people." This is in quotations. And then in small letters, "Policemen from Fifth Precinct on Saturday evening." And then it goes on to say, "This is what a family on Hunterdon Street was told Saturday night when they protested that police were carrying out their job unfairly. On Friday a group of Hunterdon Street residents went to the police station to ask the police to serve the needs of the block better. The police's answer Saturday was to slap a ticket on a car double-parked for a minute while the owner was getting a child from the house; the owner demanded that the police also ticket policemen's personal cars nearby, illegally parked on the sidewalk and by a fire hydrant. In insulting language like the quote above, the police refused. They even moved another car onto the sidewalk; even after another cop said the cars were illegal, the lieutenant inside said nothing would be done." And then it goes on, "We demand: 1. A written apology to the family involved for the insults and vulgarity which the police used Saturday night.

2. Immediate ticketing of the illegally parked policemen's cars that were seen Saturday night: A '54 Chevy, license No. FAP 752; a new Olds, license No. ILJ 452; and a '60 Caddy, HBJ 18. 3. Police cooperation on the demands made Friday. Remove cop cars from sidewalk, remove abandoned cars from street, stop ice cream truck from going through street after 10:00 p.m., assistance in setting up a 9:00 to 5:00 playstreet on Hunterdon Street, alternate side of street parking, foot patrolmen, stop speeding and drag racing on block, stop signs on block. Everyone: Picket Fifth Precinct Station Monday 7:30."

And in pencil -- I guess this is Millard -- June 29, 1964.

Q These sort of demands that you just read that were on the pamphlet that was distributed, are they the sort of demands and sort of complaints that normally would go through your precinct councils that you described as part of your community relations program?

A That's right.

Q Do you know why these didn't?

A Well, as I said before, these people are always looking for an issue, anything they can hang their hats on they will make an issue of, and I don't care what it is. And this is one thing that they made an issue of and, personally, I didn't think it was such a big thing to talk about because the language that they talk about I

don't like but certainly it is not enough to demand a picket line being set up in front of the precinct. That could have been brought either to my attention or to the precinct. And, incidentally, ever since I have been Police Director sitting in my office, they have never come to me with any of their problems to ask me to resolve them for them.

Q Now, did the SDS, Students for Democratic Society, become part of any anti-poverty agency in the city?

A Yes, they did.

Q Will you describe that.

A Well,first I would like to put in evidence an article that appeared in a magazine called "Studies on the Left." This was published in April of 1966. This article almost blueprints how this NCUP bunch would operate and what they had already done in the City of Newark. Here in this article they definitely state -- and this article was written by two individuals who were original residents of the NCUP aegis. One is named Norm Fruchter and the other Robert Kramer. Fruchter was here a long time.

Now, in essence in this article they state that they have control of Area Board 3, that they influence Area Board 2 and are extremely influential in the Board of

Trustees of the UCC. They also go on to state that -- well, it tells about how the movement is affecting the community, and that they will go into any kind of movement which will project their name and increase their power. For example, here they tell about how they got involved with George Richardson and his United Freedom Ticket, and that in effect George Richardson was serving their end and they were not serving George Richardson's end. It goes on to say that they wanted to obtain a community recreation center, and the reason for creating a community recreation center is so that this would permit them to have staff jobs open for individuals who were disciplined in their philosophy to be employed and at the same time carry on the propagandizing and, you know, believe it or not, two weeks ago the Third Area Board got $63,000 for this community building. They also state in this article that they want to gain control over a radio station, and it appears to me from what is going on in the City of Newark that they are about to get one, not in the City of Newark but in this area, that they may get one. This organization became involved not only in the usual protest concerning local issues but also became extremely involved in anti-Vietnam protests.

As a matter of fact, they were the principal

organization in the city which spearheaded the protest against Vietnam involvement.

Q One final question before we adjourn for the evening because of the hour. Do you have an opinion as to whether the NCUP has been influential in producing the kind of climate that led to the riots in Newark?

A One of the principal agencies which has induced the kind of climate which we have in the City of Newark is the NCUP.

MR. ROBINSON: Thank you, Director. As you know, we have barely gotten started so we will ask you if you will kindly return on a convenient date, which we will discuss with you.

THE WITNESS: Yes, sir.

CHAIRMAN LILLEY: Thank you, Director.

(Photograph, marked Exhibit 29.)

(Photograph, marked Exhibit 30.)

(Photograph, marked Exhibit 31.)

(Pamphlet entitled, "Studies on the Left," marked Exhibit 32.)