

1 JAMES I. THREATT, sworn

2 MR. ROBINSON: Before we start I want to
3 thank Mr. Threatt for coming here on short notice.
4 We have had him on phone call alert for a number
5 of weeks. I was, however, only able to notify him
6 late this morning that we would like him to come
7 in this afternoon. He has come on short notice
8 and we do appreciate it, Mr. Threatt.

9 EXAMINATION BY MR. ROBINSON:

10 Q Could we please have a description of your job
1 and when you took office and what your duties generally are?

2 A I'm the Executive Director of the Newark Human
3 Rights Commission. I assumed this responsibility June 20,
4 1965.

5 This job involves the supervision and management of a
6 staff of employees who have the duties and responsibilities
7 of promoting mutual respect and understanding amongst the
8 various racial and ethnic groups within our city. Our job
9 is largely educational as contrasted to some commissions
0 whose job is that of enforcement. It's educational because
1 in the State of New Jersey the Human Rights Commission does
2 not have any enforcement powers as such. All complaints
3 which are covered by the civil rights laws of this state
4 must be investigated by the Civil Rights Division. This is
5 not an arrangement which city commissions lack and this is

1 something which perhaps the state will have to address
2 itself to because of the particularly inefficient staff
3 and small staff that the state does have. I say inefficient
4 as not any reflection upon the people. I think it is
5 inefficient largely because of the low wages they pay their
6 staff.

7 Q When was the Newark Commission on Human Rights
8 created?

9 A The Newark Human Rights Commission was created
0 in 1952 known as the Mayor's Commission on Human Rights.

1 Q Are you the second executive head of it?

2 A I am the second executive director.

3 Q Who preceded you?

4 A Daniel Anthony. Daniel Anthony left in August
5 of '63 to my knowledge. There was some controversy
6 surrounding his leaving. He took an active role in what
7 was then known as the Barringer incident which involved
8 the unions and some picketing was involved, involving some
9 union not hiring Negro workers in that area. He left and
0 the Commission remained without a director for two and a half
1 years until I took over in June of 1965. Ralph Zinn acted
2 as the Executive Director during that period.

3 Q Could we just have briefly your background,
4 educational training, et cetera, preceding your assumption
5 of the post?

1 Q My background from an educational point of view:
2 I hold a Bachelor's Degree in social science from Virginia
3 Union University. I did graduate training in industrial
4 relations at the Warden School of Finance, University of
5 Pennsylvania, Philadelphia. I received a Master's Degree
6 in counseling and guidance in the field of psychology from
7 Temple University in Philadelphia.

8 I was, prior to coming here, the Industrial Relations
9 Director for the Opportunities Industrialization Center
10 in Philadelphia which is a self-help program founded by
11 the Reverend Leon Sullivan. Prior to that I was a Supervisor
12 of Complaints for the Pennsylvania Human Relations
13 Commission.

14 That's basically my professional background of any
15 significance.

16 Q Finally, for a little more background could you
17 tell us the size of the Commission in the City of Newark
18 and the budget that you have each year? Describe it
19 generally.

20 A The Commission by law has a maximum of 15
21 commissioners. It does not presently have 15 commissioners.
22 There are several vacancies at present. The staff which I
23 now supervise consists of three community relations
24 specialists, one assistant director, and two Puerto Rican
25 and Spanish affairs community relations specialists, and

1 three secretaries. This is the present staff that I
2 supervise.

3 I don't know the exact figure of our last year's
4 budget but it's in excess of \$75,000 I believe. This
5 year's budget will be over \$100 thousand.

6 Q How are the commissioners appointed, by the
7 mayor?

8 A The commissioners by the mayor.

9 Q And they select the director, your job?

10 A The commissioners recommend the director to the
11 mayor and the mayor makes the appointment. He is not
12 legally bound to accept any choice that the commission
13 might have. He does give them consideration.

14 Q To whom do you report?

15 A To the mayor.

16 Q Who do you feel responsible to?

17 A I feel responsible to the mayor because the
18 commissioners meet only once a month. I do give them a
19 report. This is somewhat of a clouded area in terms of
20 responsibility. The mayor is the appointing authority
21 and I am a part of the mayor's official family and do sit
22 with the rest of the mayor's department heads in cabinet
23 meetings, so I feel responsible to the mayor and I report
24 directly to the mayor.

25 BISHOP TAYLOR: What is the function of the

commissioners?

This was by THE WITNESS: The commissioners meet usually on a monthly basis or whatever other time they might need to meet in order to hear any public issues, to hear reports from the staff, to help staff, to recommend and develop programs which staff will then carry out. That's basically the function of the Commission.

I recall They can under law hold public hearings but they do not have subpoena powers. So the only thing they could do would be to invite people to come in.

BY MR. ROBINSON:

Q Has one of your major pursuits since you have been the head of the Commission been police community relations in the city of Newark?

A You're correct there. I have been involved most directly in police community relations. When I first came to Newark in June of 1965 I saw police community relations as the most important problem confronting the then white and black community. I saw it as an important problem because on my first day to work I had to walk through a picket line. A patrolman by the name of Martinez had at that time, in the course of his duty, shot and killed one Lester Strong over on Oriental and Broadway. The mayor

1 had suspended this police officer.

2 This was before I got here but they had conferred
3 with me by phone. I had recommended transfer to an
4 area not involving the use of firearms. However, the
5 officer was suspended. And upon his being suspended the
6 police officers went out en masse and picketed the City Hall
7 for 24 hours around the clock. And I came in under those
8 circumstances.

9 I recognized then that this was a very serious
0 problem for our city.

1 The Commission on the first day on which I took office
2 as the Executive Director called a hearing. We called
3 hearings to listen to some of the public community people
4 on this question of the Lester Strong situation. We did
5 make recommendations to the mayor -- Mr. Epstein was the
6 chairman of a special committee that heard the public
7 testimony -- that on the basis of public testimony that
8 race did not seem to be involved in this incident.

9 Now, the mayor had made the suspension because
0 initially there had been some lies told in terms of how
1 the man had been killed. One report said the police
2 officer tripped and fell and shot him accidentally in the
3 process of falling.

4 MR. LEUCHTER: A report from where, sir?

5 THE WITNESS: Report from the police

1 department as such. On the basis of this first
2 report the mayor made the suspension. We did
3 not hear testimony from the police officers
4 because they were, on instructions from their
5 lawyers, not to discuss this matter. But on the
6 basis of the public testimony -- and I must be
7 very honest with you gentlemen and admit to
8 my way of thinking this was, being my first
9 day on the job, a means out of a crisis as such
10 which had presented itself in the city. And I
11 devised basically the concept of saying that
12 color was not involved in the action because
13 the testimony did not so reveal.

4 Now, being honest with you, I think you
5 would know it would be difficult to involve race
6 per se in determining whether or not a man was
7 killed. And the only way one might do this is
8 if there were some testimony from the community
9 leaders who might have been eye witnesses, et
10 cetera, or who might have been in that area,
11 to that effect.

2 So we did make recommendations to the mayor
3 that Patrolman Martinez be transferred. Because
4 we found no evidence of race being involved
5 there and because of the two camps in which the

1 Rochester community was being divided, one white and one
2 the last black, this matter might better be resolved
3 cons. Mr by transferring him to another type of job
4 Philadelp pending the Grand Jury investigation of this
5 three gen matter. did cons.

6 BY MR. ROBINSON: the Commission evaluated this testimony

7 in Q Did the mayor do that? did he vote as the mayor

8 on the A The mayor did this and Martinez was reinstated
9 and the police officers stopped picketing. Also we review
0 decided to hold some hearings on the question of police
1 advisory boards because the mayor had indicated we would
2 do so. During the month of July for four consecutive boards
3 weeks we held hearings on the question of a police review
4 board. For three weeks we heard citizens' testimony and
5 the last week we wanted to give two sides to the question
6 so we invited Mr. Quintan who is the Executive Director
7 of the International Association of Police Chiefs to talk,
8 who would take a position against review boards, and we
9 invited Mr. Thiessal Moore from Philadelphia, a strong
0 militant civil rights advocate who also was against police
1 review boards for a different reason -- largely that he
2 felt they were no good. We invited on the other side of
3 the coin the secretary of the Police Advisory Board in
4 Philadelphia which was one of the two advisory boards at
5 that time and the secretary of the advisory board from

1 Rochester, New York. We invited these people to come for
2 the last day to give expert testimony. Three of them did
3 come. Mr. Moore, because Martin Luther King was in
4 Philadelphia at that time, did not make it but the other
5 three gentlemen did come.

6 After that the Commission evaluated this testimony
7 in order that recommendations could be made to the mayor
8 on the question of police review boards. The Commission
9 deadlocked in its meeting 6-6 on this question of review
10 board. The director in the person of myself -- and the
11 mayor had no way of knowing this, I would be very honest
12 with you -- has not been an advocate of police review boards,
13 largely because they do nothing but aggravate the
14 complainant and frustrate the police officer.

15 Q You say you are not an advocate of the review
16 board?

17 A I am not. The director is not as such. The
18 mayor, taking my recommendation that the Commission was
19 deadlocked, then authorized his staff to work out this
20 problem. I imagine Mr. Bellafante, who I understand has
21 spoken to you at great length, gave you the mayor's
22 statement of September 15.

23 Q We don't have that. If you happen to have it
24 with you we would appreciate it.

25 A Here is a copy.

1 MR. ROBINSON: Would you mark that in
2 reject the evidence please.

3 (Ten page document entitled, "Mayor Hugh J.
4 Addonizio's Statement on a Police Review Board
5 for Newark," dated September 15, 1965 is marked
6 Exhibit C-34).

7 Q Would you mind leaving that with us?

8 A No.

9 Q Now, showing you Exhibit C-34 marked this date,
10 it appears to be Mayor Addonizio's statement of
11 September 15, 1965. Could you tell us the background for
12 the issuance of the statement and summarize it for us?

13 A I think I have indicated much of the background
14 in terms of the hearing on the question of the police
15 advisory board and the inability of the Commission to make
16 any specific recommendations because they deadlocked and
17 after having deadlocked they felt that they should not
18 make recommendations. The mayor's staff, together with
19 the mayor, then developed this program with regards to the
20 question of the police review board. In effect, the mayor
21 rejected the concept of a police review board and indicated
22 that rather he would propose the referring of all cases
23 of police brutality to the FBI under an old reconstruction,
24 color of law statute.

25 Two, we felt that there were some evidences of

1 emotionally loaded phrases being used that tend to loudly
2 reject the out-group, and these type of phrases would
3 be prohibited by rules of conduct which the police
4 department would have in effect.

5 and Third, we recognized that the police department
6 should become more professional as a department, and
7 thus authorized certain basic programs in police
8 community relations, such as courses at the university
9 in sociology, psychology, et cetera, which would be a
0 scholarship program. but I think they were willing to adopt

1 Fourth, we created a Police Community Relations
2 Unit. It was directed that I would be one of the community
3 persons to help develop this unit which would involve
4 a police lieutenant in every precinct with a captain as
5 the superior officer. DAVID: Are you saying that the

6 Fifth, the Newark Legal Services, the anti-poverty
7 program which was not then in effect. So that was what
8 was involved in the mayor's statement on the police
9 review board. BISHOP TAYLOR: You're not saying that?

0 Q Could you tell us what your findings were of
1 the reaction of the Negro and the white community to
2 this plan that was put into effect in about September
3 '65? BISHOP TAYLOR: I think you said also on a

4 A The Negro community was not overly receptive
5 and particularly the militant civil righters did not

1 accept this plan at all because they had petitioned loudly
2 and longly for a police review board and felt that this was
3 not the answer, this plan. There were some groups I think,
4 white groups by and large, applauded the plan as reasonable
5 and good. One part of the plan was citizen observers, which
6 I didn't mention, where a citizen would get a chance to ride
7 with the police in the police cars. Some white groups had
8 been involved in this before. White and church groups had
9 been involved in this before. So they looked upon the plan
10 with some skepticism but I think they were willing to adopt
11 a wait-and-see type of attitude about the plan.

12 C-34? Q This is the Negro leaders and the Negro community?

13 A Right. In other words, their protest did not
14 become violent in terms of their non-acceptance of this plan.

15 Q Has it BISHOP TAYLOR: Are you saying that the

16 A program here that the mayor articulated was really
17 the program that you and the commissioners agreed on?

18 Q Tell THE WITNESS: No.

19 A In terms BISHOP TAYLOR: You're not saying that?

20 THE WITNESS: I am not saying that at all.

21 I think I said quite clearly the commissioners
22 made no recommendations to the mayor whatsoever.

23 BISHOP TAYLOR: I think you said also as a
24 Director you are opposed to a police review board.

25 THE WITNESS: I did say that and I did

1 my division participate in the development of this program
2 the police of the mayor.

3 did pay Rutgers MR. LEUCHTER: But the Commission did not?

4 officers that THE WITNESS: The Commission did not.

5 new jobs, one BISHOP TAYLOR: So what the mayor has

6 Now, the articulated here is primarily your plan?

7 three Negroes THE WITNESS: The mayor's position I think
8 two lieut and the mayor's official family position which is
9 was imple articulated by the mayor.

10 BY MR. ROBINSON:

11 Rutgers Q Was the plan put into effect that has been marked
12 C-34?

13 A Almost every aspect of this plan was put into
14 effect.

15 Q Has it continued to be in effect up to today?

16 A Well, as I said, almost every, because every
17 aspect was not put into effect.

18 Q Tell us about that.

19 A And, In terms of the scholarship program we immediately
20 set up a scholarship program of \$10,000 for police officers
21 to go to Rutgers University. I worked with the police
22 department in developing this program.

23 and The community relations unit was established in the
24 police department, the ordinance being developed by me and the
25 responsibility for training these officers being placed --

1 my division assumed part of the responsibility together with
2 the police department and the personnel department. We then
3 did pay Rutgers University \$10,000 to train these police
4 officers that we created these jobs for. There were seven
5 new jobs, one captain, five lieutenants and one sergeant.
6 Now, the reason we had one sergeant, we endeavored to get
7 three Negroes involved and one was a sergeant so there were
8 two lieutenants and one sergeant. That part of the program
9 was implemented as I said and we thought that they should
10 have training and we did provide for this training at
11 Rutgers University which consisted of two weeks of intensive
12 training. We also felt it would be --

13 Q In what areas?

14 A Community relations and community organizations --
15 human relations, rather, and community organizations.

16 Also it was felt that we should not just train these
17 six men but rather we should train an additional six men.
18 So we had a total I think of about 12 or 14 men who were
19 trained, the others being a backup group. I think it was
20 15 all totaled that were trained, the others being a backup
21 group in that they did not work in community relations during
22 the week but they nevertheless were involved in this program
23 and did come in on Friday. So you had a control and
24 experimental group as a psychologist would look at it.

25 The next part of the program which was implemented I

1 think was the Newark Legal Services did get its fund so we
2 began using the legal services to refer to them.

3 The FBI procedure was begun and we referred several
4 cases to the FBI. I don't think there has been more than
5 four or five that have been referred. We never got any
6 reports back from them. Later we came under some continued
7 criticism from some civil rights people because of this.
8 The FBI in their investigations was concerned only with the
9 civil rights of an individual and as such, this was one of
10 its inherent proclivities, the fact that they were concerned
11 only with civil rights of an individual.

12 The citizen observers' group never did get started
13 again because the old groups that were activated in it wanted
14 to impose certain conditions which were somewhat unacceptable.
15 When I say, "Certain conditions," they wanted to involve
16 themselves in the interrogation of people and so forth, and
17 this could not be done. We never could come to any agreement
18 to working out with this group their citizen observer part.

19 The rules of conduct. Some regulations pertaining to
20 the rules of conduct were put in the police folder
21 regulations, not as strong as we had originally hoped but
22 they do have a regulation that pertains to the rules of
23 conduct. So the plan was basically I think put into effect.

24 Q Now, as the months developed from September, 1965
25 when parts of the plan were put into effect, right up to the

1 time of the riots, could you describe the difference of
2 feeling in the Negro community about the plan and how it was
3 operating as you understood it?

4 A Well, I think the community looked at the plan
5 in somewhat of a pessimistic manner and had a wait-and-see
6 attitude as I said. One of the major portions of the
7 plan I did not mention was the Police Community Relations
8 Institute, in which we had proposed to involve an equal
9 number of people from the poor community and an equal number
10 of police officers. We had hoped to do this. We had hoped
11 to get funding from the O.E.O. I did in conjunction with
12 the unviersities develop the program for that purpose, a
13 Police Community Relations program, which the Justice
14 Department subsequently funded for \$100 thousand. So we had
15 this program to begin in July of last year.

16 being I think the community's attitude in the few times I
17 was involved in individual situations was somewhat of an
18 apathetic one. You have a pretty apathetic community basically.
19 The question of police review board, pro and con, never
20 really did catch on in terms of a flaming issue. I think
21 CORE used to work all day long and all week long and I think
22 they had about a thousand people at most at their largest
23 rally. So the question of police review board never did
24 catch on. I mean there wasn't any real strong adverse
25 feelings one way or the other towards our plan. Occasionally

1 it would be attacked by civil rights people but just only
2 mildly so. please

3 Q Now, you say that in July '66 the city received
4 \$100 thousand from the Federal Government for a police
5 community relations program? (marked Exhibit G-35.)

6 A Right. (THE WITNESS: I might say this was the

7 Q Could you describe that for us? Federal Government

8 A That program involved 150 police officers and
9 150 civilians in a meaningful exchange. Hopefully it was
10 hoped a better understanding would result from this program.
11 It consisted of lectures, a field experience, and group
12 discussion. participated and how were the policemen chosen?

13 We operate on the premise there are four basic ways
14 to change attitudes and these four ways being, giving them
15 new information, which we tried to do, group interaction
16 being second, and we had group interaction in terms they
17 of small groups. We had groups of 60 people, 30 police
18 officers and 30 civilians and we broke them down into five
19 groups and we had some group interaction. The latter two
20 ways were not involved, which would be psychotherapy and
21 enforced behavior. I have a copy of this program. If you
22 would like a copy I would be glad to give you one.

23 Q Is that a completed copy? please?

24 A This is the completed copy of the program as we
25 outlined. It was somewhat of a revolutionary. protected

1 agencies and MR. ROBINSON: May I have that marked
2 please.

3 (Twenty-two page document entitled,
4 "Application for Police Community Relations
5 Training Program," is marked Exhibit C-35.)

6 THE WITNESS: I might say this was the
7 largest single grant that the Federal Government
8 gave the Police Community Relations Department.

9 This program did get under way in July of
10 1966 with the first program beginning in October.

11 Q Now, stopping there, how were the civilians
12 chosen who participated and how were the policemen chosen?

13 A The police were chosen at random from the rank
14 of lieutenant down, using the master list and using the
15 table of random numbers.

16 Q Were they ordered to participate or were they
17 volunteers?

18 A They all participated. Some objected very strongly
19 but it was an order. A police order went out that they were
20 to participate.

21 Q The ones whom you selected?

2 A The ones who were selected, right.

3 Q How were the civilians chosen?

4 A We had three civilian recruiters who went out and
5 recruited civilians. In addition to that we contacted

1 agencies and so forth who referred civilians to us.

2 Q Were these Negroes and whites? What was the
3 division?

4 A The exact number in terms of Negroes and whites
5 I can't give you at this particular point. I will say that
6 I will make available to you gentlemen the completed report
7 which will be available by next week of this program which
8 is now completed.

9 Q That will summarize the work of this program
0 in the past year?

1 A It will summarize the work of the program in the
2 terms of the public's reaction to it, the participants'
3 reaction, et cetera.

4 Q Could you just give us your conclusions, first
5 on the effectiveness of the program in the community?

6 A Yes. The program ended in May. And considering
7 that we had a disturbance of great magnitude in July I
8 would hesitate to say how effective it was. I will say this
9 quite honestly: that it had limited effect. I think a
0 limited effect largely because of the persons reached by
1 this program. We couldn't pay our participants for coming
2 in. The persons reached by this program did not represent
3 the real hard core individual in the street that we need
4 to reach. We attempted to reach individuals between 20 and
5 30 years of age in the bulk of our people but we couldn't

1 reach the real hard core individuals because we had no
2 inducement other than we did give them carfare and we did
3 provide coffee and Danishes. The city did that. I think
4 the program did bring about some change in terms of the
5 participants involved, which conclusions you gentlemen will
6 see will substantiate it. One of the most significant
7 things coming from the program was the police officers.
8 We used a psychological test called a significant differential
9 which involved a stimulus word and getting the individual's
10 reaction to the word. We used such words as Negro, black
11 power, policeman, white man, et cetera. We found that the
12 police officers generally at the beginning of the program
13 had a very negative feeling about the word Negro and at
14 the end of the program this feeling did move a little toward
15 neutral, using the normal probability curve that you have.
16 We also were able to determine that the civilians came
17 to the program fully willing to accept the fact that police
18 community relations was one of mutual responsibility.
19 The policemen did not. At the beginning of the program
20 they felt that the blame should be placed on the civilians.
21 At the end of the program 100 per cent of the civilians
22 felt that it was a mutual responsibility and the police
23 moved from a negative position to a neutral position of
24 this particular point. They did not move into a positive
25 position in terms of feeling that this was a mutual

1 responsibility.

2 These conclusions you can review in much greater detail
3 in the report which I will gladly forward to this Commission.

4 Q If you could just tell us this on that program:
5 What was the \$100 thousand used for that the Federal
6 Government gave you?

7 A There is a budget attached to it.

8 Q The report that has already been marked C-35?

9 A Salaries and so forth, this is what is involved
10 there, salaries and consultant fees and other things.

11 Q Yes, I see it at the rear of the document.
12 Has this program now been completed?

13 A This program has now been completed.

14 Q So that in May of 1967 just preceding the
15 civil disorders in Newark you had extensively participated
16 in police community relations both in this \$100 thousand
17 Federal program and in your own programs?

18 A Right. In all city programs.

19 Q At the time, that is going back to May, what
20 was your feeling and the feelings of the people working
21 with you as to the state of police community relations in
22 Newark, and more specifically, the Negroes and the police?
23 How did you feel then?

24 A We felt then that we had not reached the real
25 hard core Negro, the one that we really needed to reach.

1 We felt that police community relations, the question then
2 was still a very crucial one. The reaction of some police
3 officers who we had in our program pointed very clearly
4 to some of the underlying feelings of white police officers,
5 particularly for their Negro counterparts, the civilians.
6 We recognized this. And we recognized that in order to get
7 through this summer as we had gotten through summers in
8 the past it would be touch and go again. We recognized
9 this. However, we had operated on the premise in Newark
10 that we should not prepare for war in a time of peace as
11 such. The city council and the police department has
12 taken somewhat of a different attitude now, one which I
13 don't particularly approve of, but nevertheless this is
14 their attitude now. In other words, they basically believe
15 now in getting a lot of armaments and other things that are
16 necessary at this particular point. But we felt that we
17 did have a problem. We had these police officers working
18 on the street. We had had some community participation
19 in precinct councils and so forth, so it wasn't all a
20 pessimistic outlook for the summer. In all, we were hope-
21 ful.

22 Q Why do you feel you were unable to reach the
23 hard core that you spoke of?

24 A Largely because we didn't have the money to
25 bring them in or compensate them for coming to the police

1 community relations program. That was the major reason.

2 Q So is it your feeling that if the hard core can
3 be reached in the future that will certainly lessen the
4 probability of future disorders?

5 A No. I think it would provide for more meaningful
6 results from a program such as we conducted. That does not
7 say that it would lessen tension but I think it would
8 provide for a lot of better understanding.

9 Q What would be your recommendations, if any, toward
10 a plan for reaching this hard core that have not yet been
11 reached in police community relations?

12 A Well, there are several things that have been
13 effected in other cities which I think could be used here.
14 The white caps in Dayton which everybody knew about, I
15 think was a particularly effective technique and can be
16 utilized here from the standpoint of young people working
17 in the community with other young people, their own groups,
18 and working in some semi-police role. However, you must
19 recognize that police community relations cannot be improved
20 until the Negro's image of the police department improves.

21 Before I make any recommendations as to positive things
22 that might be done, one of the first recommendations would
23 have to be to eliminate some of the negative things that
24 had been done. I think that you gentlemen are very cognizant
25 of the fact that in the race riots that have occurred in

1 this country, and they are most unfortunate, that they have
2 been by and large precipitated by the action of white
3 police officers as such. And I think this is something which
4 has to be dealt realistically with. I think before we
5 make a lot of recommendations we have to review some of the
6 climate that prevailed in Newark, as I talked when I first
7 spoke before your Commission, just prior to the riot, some
8 of the police action that prevailed in Newark just prior
9 to the riot. I'm not just referring to the John Smith
10 type of police action. I'm referring to the East Orange
11 Police Department. I mean on the East Orange line where
12 when I talked to police officers they readily admitted
13 that of the 14 people that were arrested some of them had
14 been whipped and beaten on the ground while they were
15 handcuffed. The Newark police officers said the East
16 Orange police officers did it and they thought it was
17 a shame. When I went out to the hearings at East Orange
18 they said the Newark police officers did it and they
19 thought it was a shame. The point is that people did
20 get their head beaten and beaten pretty badly while hand-
21 cuffed on the ground. Also, and significantly enough,
22 Martinez who was involved in this incident that had become
23 sort of a cause celebre became involved in this East
24 Orange incident. Police officers who have become cause
25 celebres have to be taken out of all types of public

1 situations, because whenever they become involved they are
2 going to inflame a lot of people.

3 I remember one of the things that happened the night
4 I went to Fourth Precinct was that the people were hollering
5 that Martinez was in there and this is one of the things
6 they had become concerned about, that Martinez who had
7 become a cause celebre the first day I got here was in
8 there. As I say, it is difficult to make recommendations
9 without discussing what you are going to do about some of
10 the negative conduct on the part of some police officers,
11 the negative conduct which went back this year to March 1st
12 when the meat market on Clinton Avenue was being picketed
13 and 17 persons were arrested. The police officer was
14 the same police officer, the same sergeant who had un-
15 favorable contact with Negro groups in making an arrest in
16 a White Castle Restaurant. So we have these people who
17 were previously involved continually popping up. It is
18 something of a cause celebre type of thing.

19 MR. LEUCHTER: On this meat market clear on
20 demonstration as an example, were those arrests
21 necessary? What were the arrests for?

22 THE WITNESS: Well, the arrests allegedly
23 were for blocking the egress to the market.
24 I say allegedly. Now, in talking to the civil
25 rights groups I got the impression -- as I said,

1 there are two sides to every question and I have
2 been trying to be as honest and objective as I
3 can -- that they were not blocking the street,
4 they were picketing peacefully.

5 why Now, the next Saturday they did picket again
6 and I was there that Saturday to assure there
7 would not be arrests. And I had some encounter
8 with the police department which became public
9 knowledge in the newspaper because I demanded that
10 the police protect their right to picket. And
11 the police had some feelings about this. They
12 didn't feel they should protect. My reason
13 for this was that I felt in a climate in which
14 we are now living it would be unfortunate if
15 some drunk came along the street and attacked
16 somebody on the picket line and so forth. So I
17 thought it was far better for the police not to
18 sort of supervise the people picketing but to
19 make sure they are leaving the sidewalk clear on
20 one side for people to come down and so forth
21 and et cetera.

2 MR. LEUCHTER: Had the meat market gotten an
3 injunction to limit the numbers of pickets?

4 THE WITNESS: No, they had not.

5 MR. LEUCHTER: If this had been a labor

1 dispute rather than a civil rights dispute isn't
2 it correct that the police would not have done
3 anything to stop the picketing unless there had
4 been a court injunction? In other words,
5 why did the police take it upon themselves to
6 stop the picketing?

7 THE WITNESS: That's a question you are
8 going to have to ask the Police Director.

9 My information was that the people were blocking
10 up the street and prohibiting people from going
11 into the market.

12 MR. LEUCHTER: Let me ask one other question
13 because I am afraid I will lose it and I won't
14 get back to it when you're here again. In the
15 two years since you have been Director of the
16 Commission have there been any formal complaints
17 of police brutality other than the Smith case
18 and other than the Martinez case which was right
19 in the beginning? Have there been any other
20 complaints of police brutality directed at your
21 department or the Commission or anybody else?

22 THE WITNESS: Yes, there have.

23 MR. LEUCHTER: Has any action at any time
24 been taken, disciplinary action against any
25 policeman on the force since the time you have

1 been here?

2 THE WITNESS: To my knowledge, no, sir.

3 BY MR. ROBINSON:

4 Q How many complaints were there?

5 A The complaints I received I would say would be
6 ten or less. There haven't been a lot of complaints. There
7 was somewhat of a reluctance on the part of people to file
8 complaints. I then, on the mayor's mandate, proceeded
9 to refer people to the Legal Services so that they could
10 formalize their complaints. When they formalized their
11 complaints in some of the instances I didn't know what the
12 results were. To my knowledge there has been no disciplinary
13 action. I might say on one occasion Director Spina did
14 apologize to an individual for the police department
15 in an instance where there was misconduct. However, there
16 was no action taken against the police officer involved
17 per se.

18 THE WITNESS: Right.

19 MR. LEUCHTER: At any time since you have
20 been in Newark, and to the best of your knowledge --
21 and I realize it can be done without your
22 knowledge -- has any order, either written or
23 verbal, been directed to the Newark Police
24 Department not to use such offensive or
25 derogatory phrases to Negroes such as boy or
Nigger, or anything else that police might use

1 in a derogatory manner? To your knowledge has
2 any order been issued to them about the use of
3 offensive language?

4 THE WITNESS: There has been an order, a
5 limited order, as I indicated to you earlier,
6 part of the regulations. It doesn't spell out
7 in the details in which the mayor spells out in
8 his statement what the offensive type of words
9 are but there is an order which I think Director
10 Spina will be able to give you, part of the
11 regulations, which addresses itself sort of
12 generally to the question of offensive verbal
13 conduct.

14 BISHOP TAYLOR: You mentioned earlier that
15 \$10,000 was given to Rutgers University for an
16 educational program for the police.

17 THE WITNESS: Right.

18 BISHOP TAYLOR: Do you want to say a word
19 about the effectiveness of that?

20 THE WITNESS: That lasted for 22 weeks. Two
21 weeks were intensive training where they went
22 every day and 20 weeks where they came back.

23 BISHOP TAYLOR: What type of thing were they
24 taught?

25 THE WITNESS: These were the leaders. These

1 were going to be the persons who would work in
2 the precincts. They were taught human relations,
3 group organizations and so forth, because these
4 were people going to work in the community.

5 who BISHOP TAYLOR: How many people attended?

6 they THE WITNESS: Fourteen I think. Fourteen
7 or fifteen.

8 that BISHOP TAYLOR: And that program cost you
9 \$10,000?

10 And I THE WITNESS: \$9500 to \$10,000. In addition
11 to that I might say we have placed \$5,000 in the
12 city budget each year for police community
13 relations training every year since that time.

14 MR. LEUCHTER: Sir, you testified that the
15 community relations program within the police
16 force did not reach the hard core of the Negro
17 community. What about the hard core of prejudice
18 within the police department? Did it reach that
19 group?

20 THE WITNESS: This program also did not
21 reach that group. I think attesting to the fact
22 that it did not reach that group was the fact
23 that I think I alluded to, our type of evaluation
24 where we used words like Negro, et cetera, and
25 the feelings that the white police officers had

1 about the word Negro, which was a very negative
2 feeling they had about the word Negro. Our
3 program did not reach that hard core police
4 officer. In fact, we had some police officers
5 who had prejudices who refused to announce that
6 they were coming under protest that didn't want
7 to really participate and they felt in the end
8 that they hadn't really learned anything that
9 was going to change them one way or the other.
10 And I might say that I agreed with them that it
11 didn't change them one way or the other because
12 they had some predetermined feelings. The
13 instance in which the police prejudice came out
14 most of all was when Bayard Rustin came to
15 speak to us. Bayard Rustin, who is a very famous
16 person in the civil rights movement, does, like
17 a lot of us, have some derogatory things in his
18 background as such. The police came from far
19 and near the day that he was there to inject these
20 derogatory things into the discussion.

1 MR. LEUCHTER: His political background,
2 for example?

3 THE WITNESS: His political background, his
4 arrest for different things. He was arrested for
5 some type of conduct. I don't know all the things.

1 and other But they asked all these type of questions...
2 have, I mi However, Bayard Rustin is a very skillful man
3 might also and he handled them all very well. It wasn't
4 not get co any problem as far as he was concerned. I think
5 to police most of their prejudices were real hard core
6 prejudices. I got the impression that the
7 police officers permitted him the motion of
8 coming to the program and leaving.

9 I don't want to give the impression that all
10 of them were cut out of the same mold. Some of
11 them sincerely participated and sincerely were
12 interested in working to bring about a better
13 climate of race relations and better climate
14 of police relations. Others didn't want to
15 participate in the role played and other things
16 they didn't want to do and they came merely
17 because they were ordered, to be very honest about
18 it.

9 BY MR. ROBINSON:

10 Q Was anything put in their personnel file, this
11 hard core, with the view to directing the group which
12 remained prejudiced, or was the Director made aware of it?

13 A No. Our testing was done almost on an anonymous
14 basis because we could not do it with identifying the
15 persons. So we used numbers and their mother's birth date

1 and other ways of identifying them. The Director doesn't
2 have, I might say, a copy of this final report yet and I
3 might also say that some of the quarterly reports he did
4 not get copies of either. But the information pertaining
5 to police attitude is in the last report.

6 BISHOP TAYLOR: Would you say that these
7 tests at best would be mere indicators rather
8 than documented data?

9 THE WITNESS: Sir, I would agree with you
0 wholeheartedly. I think these tests are at best
1 mere indicators. I wish I could tell you that I
2 indicated or predicted the recent disturbance
3 on the basis of these tests. But you cannot do
4 that as such. But I think surely there was some
5 value. At least it gives a descriptive value
6 in terms of the Newark Police Department and how
7 it relates to the community. It is nothing more
8 than descriptive as such.

9 MR. GIBBONS: There has been several
0 references earlier to this disturbance at the
1 meat market or food market earlier this year.
2 I think for the sake of the record it might be
3 well if you could tell us what the gripe was that
4 the civil rights groups had against the meat
5 market.

1 THE WITNESS: The gripe there was an
2 exploitation of welfare recipients. This meat
3 market ill advisedly had a sign outside, "Your
4 southern store up north." This is the sign.
5 He honored relief recipients. And the welfare
6 mothers indicated that he had been adding up
7 the bills a little high and they wanted a better
8 accounting from him in terms of his treatment of
9 welfare people. However, they were not willing --
10 this is one of the first indications of the
11 hard core problem that we were going to deal with
12 this summer, the first indication because there
13 were no compromises. They weren't willing to
14 compromise. I couldn't work out a solution where
15 this man could open up his place and go on
16 conducting business as usual -- or, conducting
17 business in a better manner. I could not work
18 that out with the civil rights group. They were
19 determined that Jack was going to be their symbol
20 of their unwillingness to accept Jewish merchants
21 taking advantage of them in their community and
22 they were insistent upon this. However, I was a
23 little bit confused by the behavior of the meat
24 market's lawyer. I met with him several times
25 and attempted to work something out. The lawyer,

1 Mr. Diamond was interested in going to get an
2 injunction, and then, considering the manner
3 in which Jack went out of business and it took
4 about five days to put him out of business, I
5 am not sure that he wasn't ready to go out of
6 business anyway. After five days he didn't
7 open up any more and that was the end of it.
8 He was out of business he said.

9 MR. GIBBONS: And he never did resort to
10 the courts?

11 THE WITNESS: To my knowledge, no, he never
12 did. He filed a Petition of Bankruptcy. I
13 believe that's what he did. He never did resort
14 to the court. He indicated that they had caught
15 him on his day that he had all of his bills
16 outstanding. That was the situation.

17 BISHOP TAYLOR: I believe it's four o'clock
18 now. We want to thank you very much for coming.
19 There are other areas I think we would like to
20 explore later. I am sure you would be willing
21 to come back.

22 THE WITNESS: Thank you, gentlemen, very
23 much for giving me the opportunity to come and
24 talk with you. I am sorry my own schedule was
25 so limited as such.

1 riots, naming MR. ROBINSON: You did come on short notice
2 and we appreciate that.

3 THE WITNESS: Inasmuch as I am the man who
4 was supposed to have started the riot -- .

5 MR. LEUCHTER: This is all off the record?

6 MR. ROBINSON: No. He doesn't mind saying
7 that.

8 THE WITNESS: No, I don't mind saying it.

9 Thomas Hayden says it in his book.

10
11 DIRECTOR DOMINICK A. SPINA,
12 previously sworn, recalled.

13 EXAMINATION BY MR. ROBINSON:

14 Q Director Spina, as I recall from my notes your
15 earlier testimony, in the period preceding the riot you
16 had started to tell us about the organizations and groups
17 beginning in about 1963 that your investigation over the years
18 has revealed began to change the mood in the Negro
19 community. Do you recall that?

20 A Yes, sir, I do.

21 Q And you had been describing a group known as
22 the Students For a Democratic Society. Do you recall that?

23 A Yes, sir.

24 Q Could you summarize for us the participation
25 of the S.D.S. from 1963 right up to and including the riots?