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A No. I think I gave all the necessary testimony that I thought was important to this Commission prior to the riots.

Whereupon, in your opinion, Director Spina, we pretty well covered, all DOMINICK A. SPINA because of the time

recalled, previously sworn, testified further as follows:

JUDGE WACHENFELD (presiding): Director,

we are glad to see you here. There is an

attendance problem caused by the terrific

pressure of our own schedules. We are dividing

it up into sessions and the commissioners all

attending as they can under the circumstances.

You were sworn last time, so there is no

necessity for repeating the oath. Mr.

Robinson will take over, and we will see how

much progress we can make.

EXAMINATION BY MR. ROBINSON

Q Do you recall we left off at the last session with your information on the UCC and its role in the community in the months following the riot. Do you recall that?

A Yes, I do.

Q Did you have anything to add to that organization's participation in community affairs preceding the riots?

A No. I think I gave all the necessary testimony that I thought was important to this Commission prior to the riots.

1 Q In your opinion, Director Spina, we pretty
2 well covered, although not in depth because of the time
3 problems, the significant events, people and
4 organizations affecting the mood of the community in the
5 months preceding the riots?

6 A No, but I would like to this afternoon add
7 some additional testimony which has happened in the past
8 two weeks, which will prove indisputably in my opinion
9 that the allegations that I made and have been making
10 for the past two years relative to racist literature,
11 inciting and agitating literature, by the UCC is correct.

12 JUDGE WACHENFELD: You go ahead and give
13 us your testimony in your own way and fashion
14 as to this new development.

15 THE WITNESS: I must do one thing. I
16 must black out the name who called me.

17 At approximately 2:15, November 7, I
18 received a telephone call from an individual
19 in the UCC who I know, and he said to me,
20 "Some racist literature is now being printed
21 in the UCC office at 124 Branford Place. For
22 God's sake please send over immediately two
23 detectives to seize this material."

24 I sent over Detective Rothlein and
25 Detective Millard, who is sitting next to me

1 here, and they went to 124 Branford Place.

2 Meanwhile I telephoned a Mr. Timothy
3 Still, the president of the UCC, with whom
4 I had debated on more than one occasion
5 publicly on this kind of incident, and he
6 always denied that UCC had been printing this
7 kind of literature. When I told him this was
8 going on, he said, "I will be up there
9 immediately," and he was.

10 My two men went up there, and I am going
11 to submit in evidence a report from them, as
12 well as a copy of the leaflet that was found.

13 This report was by Detective William Millard.

14 It says: "This office received a phone call
15 2:15 P.M. this date from a Mr. _____."

16 He stated there was hate literature being
17 mimeographed at the UCC office located at
18 124 Branford Place. He stated at the time of
19 his call it was being done at that moment.

20 Mr. Tim Still, president of the UCC, notified
21 by phone and requested to meet undersigned and
22 Detective Rothlein at the UCC office immediately.

23 "Detective Rothlein and undersigned,
24 using Car No. 145, arrived at the UCC and
25 proceeded to the second floor. We inquired of

1 people in offices and in the hallway as to
2 who was in charge. We received negative
3 answers or were just ignored.

4 "After about five minutes Al Oliver, Dean
5 Harrison and an unidentified white male walked
6 hurriedly past us to the end of the hallway
7 and entered an office. After a few minutes
8 they came out and walked down the hall to
9 Dr. Odom's office. Tim Still had joined them
10 in the office and he, too, walked with them to
11 Odom's office. Mr. Still has not spoken to
12 Detective Rothlein or undersigned since coming
13 to the office.

14 "Dean Harrison did not permit Detective
15 Rothlein and undersigned to come into Odom's
16 office. We were not permitted in for about
17 five minutes. In his office was Al Oliver,
18 Dean Harrison, three unidentified white males,
19 a negro female unidentified. I said to Mr.
20 Still, 'You know why we are here'. He replied,
21 'Yes, we have stopped it and we are going to
22 have an investigation and whoever is guilty is
23 going to be punished.'

24 "Mr. Still insists that no laws were broken
25 by the mimeographing of the leaflets. Dr. Odom

1 stated he had seized all of the leaflets and
2 he had them on his desk. Detective Rothlein
3 requested leaflets and he was given two by
4 Dr. Odom. Undersigned told Dr. Odom and all
5 in the room this type of hate literature would
6 most certainly pit the whites against the
7 blacks and result in a shooting war. They must
8 stop the mimeographing of these leaflets and
9 the people of Newark have had enough of it.

10 "Dr. Odom stated to Detective Rothlein,
11 'I don't think it's nice, but I don't think
12 any law has been broken.'

13 "An unidentified negro female attempted
14 to inject herself into the conversation with
15 a pencil and pad, giving the impression she
16 was taking notes. Undersigned told her we
17 have no business with her; our business is
18 with Mr. Still.

19 "Director Spina notified from Dr. Odom's
20 office with his permission by phone on Mr.
21 Odom's desk. The Director was informed of
22 what had taken place. Mr. Still then talked
23 to the Director and stated he will set up a
24 meeting this week with himself and Dr. Odom
25 and Director Spina. Dr. Odom and Mr. Still

1 refused to submit the names of the people or
2 person responsible for mimeographing the
3 leaflets. They stated they will give the
4 names to Director Spina. Bulletin boards in
5 the UCC offices have sympathetic literature
6 in reference to LeRoi Jones.

7 "Submitted with this report is a copy of
8 the literature turned over to Detective
9 Rothlein by Dr. Odom, "LeRoi Jones, a political
10 prisoner. America is holding LeRoi Jones as
11 a political prisoner for the following reasons:
12 1. He, as a free black man, refuses to be
13 judged by an all-white jury and judge; 2. He
14 demands to be judged by his peers -- black
15 people; 3. He has called for the awakening
16 of black people to the evils of this white
17 society. kind of report, which we have not

18 "Black people, we sat back and permitted
19 these devils to kill/murder Brother Malcolm X.
20 We cannot allow the extermination of another
21 Black Brother." be proud of.

22 I have had a subsequent meeting with Dr.
23 Odom. of a newspaper story, was it not?

24 JUDGE WACHENFELD: Before you go on, can
25 we have that report and the literature? Will

you mark them separately?

(EXHIBIT NOS. C-50 AND C-51 WERE RECEIVED IN EVIDENCE.)

THE WITNESS: May I submit for the record Detective Rothlein's letter which is almost the same?

JUDGE WACHENFELD: Mark that as well. (EXHIBIT NO. C-52 WAS RECEIVED IN EVIDENCE.)

THE WITNESS: I had a meeting with Dr. Odom, Mr. Still and Mr. Jones, who was the representative from the GEO office in Washington. We had a long interview, almost two hours. I did not publicize my part in initiating the discovery of the printing of these leaflets because I wanted once and for all for the UCC and the police department to have some kind of rapport, which we have not had since the inception of the UCC. With Dr. Odom in charge I think we have a different kind of an individual who will do the kind of job all of us can be proud of.

JUDGE WACHENFELD: This was the subject, however, of a newspaper story, was it not?

THE WITNESS: No. The UCC did all the press relations there. Dr. Odom and Mr. Still

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1 were quoted -- when I was asked by newspaper
2 reporters, I told them I had nothing to say.
3 told them to go see Dr. Odom and Mr. Still.

4 JUDGE WACHENFELD: I mean the incident
5 in itself was the subject of a newspaper
6 report?

7 THE WITNESS: Later on it was, yes.

8 They unfortunately, and I hope it was done
9 innocently, depicted to the newspapers and to
10 the public that they themselves were the ones
11 who discovered it, and they themselves were
12 the ones who initiated the investigation. I
13 have not as yet received a copy of the
14 investigation. I have been told by Mr. Still
15 newspaper that Charles McKay, who is a defendant, who
16 was found guilty for carrying a concealed
17 weapon along with Lefoi Jones, was responsible
18 for the mimeographing. But evidently we did
19 not get all the mimeographed material because
20 I received other mimeographed material, the
21 same kind of leaflets, from other sources.
22 For example, Judge Kapp sent me a copy, one
23 that had been picked up on a bus. Another
24 individual sent me a copy of this literature.
25 But I have reason to believe that with Mr. Jones,

1 many individuals of whom I have a special regard, and Mr. Still
2 will start and Dr. Odom promising me that these things
3 will not happen any longer that there will be
4 some kind of control. I am seriously hoping
5 that this really happens. The only way to get
6 changed for the JUDGE WACHENFELD: Is that all you want
7 to put on the record in reference to that?
8 THE WITNESS: Yes, sir.
9 JUDGE WACHENFELD: Go back to your
10 examination. 1967, the CURP meeting in Chicago,
11 after five By Mr. Robinson: Chairman, organized into a
12 new group called Proceed. by bringing together all communists,
13 Black Army I would like to go back to the Black Liberation
14 Army. This morning we received from an informant this
15 newspaper. They call it a newsletter, and this is
16 Blackmen's Defender. This was the group that was located
17 at 107 South Orange Avenue, which coordinated all the
18 activity during 1967, the summer of 1967, which led to
19 civil disturbances that we had. I think it is
20 significant that this be put in the record. I have had
21 no opportunity as of yet to investigate the allegations
22 made in this so-called newsletter. I hope that this
23 Commission gives me the right to do this, but I would
24 like to read some of it which refers to the Newark civil
25 disturbances. Whoever wrote this article uses a great

1 many initials, and some we know just by reading them. I
2 will start with the first page.

3 "In March, 1967, W.F.P. of N C N P stated to Major
4 Rafia M. Bilal of Blackmen's Development Center that:
5 'Our plan for the summer is riots. The only way to get
6 changes for the Negro is through riots and violence.
7 The riots will be part of a more comprehensive plan to
8 get Johnson out of the White House and cause radical
9 change in government through using the system.'

10 "On September 5th, 1967, the NCNP meeting in Chicago,
11 after five days of planned theatrics, organized into a
12 new politics party by bringing together all communists,
13 Black Power groups (identified as black militants), Peace
14 movements and Zionist organizations in the country, and
15 civil rightists like Floyd McKissick, Martin L. King, and
16 Dick Gregory, who are Negro leaders of organizations that
17 are capable of influencing millions of Negro voters
18 throughout the country.

19 "In Life magazine's issue of July 28th, 1967, two
20 men, Russell Sackett and Bob Peterson, collaborated with
21 black men (who are supported by the Jewish-Communist
22 Conspiracy, now know as NCNP, represented in Newark, New
23 Jersey by T.H. and D.W., white men who are assigned to
24 the black ghetto to organize or influence Negroes into
25 participation in riots and violence) to publish a vicious

1 lie that has caused many innocent deaths and clearly
2 shows the gullibility of white and black Americans
3 because the Zionists who lead their conspiracy conceal
4 their activities well behind the facade of civil rights,
5 Black Power and integration.

6 "The picture on page 17 of the July issue of Life
7 was posed for by a man named "A." "A" is a member of
8 a black liberation front for the communist party whose
9 black organizer, C.H., under the guidance of T.H. and
10 D.W. (these initials I haven't made out), brought into
11 Newark known negro communists to confuse and cloud the
12 political picture in Newark that was created by an
13 ignorant, arrogant and racist city administration.

14 "On July 14th or 15th, 1967, Senior Lt. Rajan S. Bey
15 of BDC witnessed a Negro whom he has identified as 'a
16 photographer out of New York' bring, not into 'a dingy,
17 dimly lit room above an alleyway,' but into a first-floor
18 rear room overlooking a rubbish and refuse-littered back
19 yard, a cardboard box containing several hundreds of
20 copies of a booklet called 'Black Liberation' published
21 by the 'Progressive Labor Party' in N. Y. Under these
22 booklets was ammunition. Twelve gauge shotgun shells,
23 two thousand rounds of .22 calibre bullets, 50 rounds of
24 ammunition for the Mauser shown in the hands of the black
25 man on page 17 of Life magazine. Ammunition for a

1 pathetic arsenal that, with the exception of the Mauser
2 and a sawed-off .22 calibre rifle, was incapable of
3 firing even a cap for a child's toy.

4 "Five hundred dollars was paid to the fabricated
5 sniper organization for permitting the taking of pictures
6 and the interview by Sackett in Life magazine. Twelve
7 hundred dollars was also mentioned as a possible payment
8 and for a reward for doing the planned job, members of
9 the black liberation communist front were given plan-street
10 jobs with F.A.L. in Newark through UCC, which is an OEO
11 organization that has been heavily infiltrated by
12 registered members of NCNP. The key figures in the
13 infiltration are T.H. and D.W. (Tom Hayden and Derek
14 Winans) the supporters of C.H., A., J.A., and P.H. who
15 claim to be snipers."

16 We are investigating to try to find out the identity
17 of these initials.

18 "Further in the story by Russell Sackett, he mentioned
19 a good looking, light-skinned young negro who heads one
20 of the conventional action groups in Newark. This young
21 Negro whose name is T.H. is the head of a non-functioning
22 SNCC program. It is non-functioning because there are no
23 members of SNCC working in Newark. Whenever SNCC, CORE
24 or the communist front groups hold a meeting, it is the
25 same integrated body of people that form NCUP headed by

1 T.H., NTI, headed by R.C. and the workers and members of
2 the Area Boards, who are misled by communist members of
3 NCNP. There are several other political action groups
4 operating in Newark that connect directly through their
5 members to NCNP. For example, the FDP headed by G.R.
6 has as its public relations director a woman named I.F.
7 and another named E.G., both known communists, but not
8 known in their true identification as Zionist members of
9 NCNP. CORE under Floyd McKissick whose Jewish secretary
10 is I.H. investigate this, this Commission has no

11 "NCNP was recently declared, not voted to be, a
12 membership organization without the knowledge of white
13 and black Americans who had given their moral and
14 financial support to the NCNP. Upon declaring NCNP a
15 membership organization, only the persons and some of
16 organizations who are a part of the Zionist conspiracy
17 remained. of pamphlets that have been distributed in
18 Newark "For many years as communist front organization
19 outlived their usefulness, they have disappeared only to
20 live again with the same people under a different name.,.
21 Today, 1967, the Zionists, who have completely taken over
22 the communist party in the United States, are in the
23 process of killing off the communist fronts and the
24 communist party to emerge strongly as the NCNP whose plan
25 for October 21st, 1967 is to bring about violent

1 confrontation between federal troops and demonstrators."

2 Now, the rest of it I don't think has cogent
3 relations with what we are discussing today. I would
4 like to offer this in evidence.

5 A JUDGE WACHENFELD: We will accept the
6 document and have it marked C-53.

7 (EXHIBIT C-53 WAS RECEIVED IN EVIDENCE.)

8 JUDGE WACHENFELD: With reference to your
9 suggestion that we give you the right to
10 investigate this, this Commission has no
11 authority to give you any such direction or
12 right. You would have to do what you think
13 should be done under the circumstances.

14 By Mr. Robinson: magazine called Probe, which

15 Q Do you have any other data on the subject of
16 organizations, Director Spina? I understood you do have
17 a number of pamphlets that have been distributed in
18 Newark since the riots. Could we have those marked in
19 bulk?

20 A The one mentioned in this last article, the
21 newsletter that I read, we have copies of this. These
22 have been distributed since the riot.

23 MR. ROBINSON: Off the record.

24 (Discussion off the record)

25 Federal Parlor, and whoever took the picture

By Mr. Robinson:

Q Do you have a group of documents, Director Spina, containing pamphlets distributed in Newark since the riot?

A Pamphlets, but most of them are leaflets.

Q Could we have those marked with your permission?

A Yes, sir.

JUDGE WACHENFELD: Let the record show I talked to the witness produces a portfolio consisting of numerous pamphlets and documents which are marked as one exhibit. That the father, James (EXHIBIT NO. C-54 WAS RECEIVED IN EVIDENCE.)

THE WITNESS: First I would like to offer for the record a magazine called Probe, which is an extremely racist magazine, for the Commission. It is entitled "Riot -- or Black Revolution."

JUDGE WACHENFELD: Published by --

THE WITNESS: Prepared by The Probe Magazine's Communications Workshop.

Next I would like to offer into evidence an extremely vicious piece of literature which contains a photograph of a man who has been shot and killed, whose body is now in Ferry's Funeral Parlor, and whoever took the picture

1 after the medical examiner had conducted the
2 autopsy ripped open the seams in order to make
3 it more emotional and more inciting.

4 By Mr. Robinson:

5 Q I believe you said his body is now in the
6 funeral parlor.

7 A It was at the time the picture was taken.
8 This, incidentally, is the body of a man named Rutledge.
9 I talked to Mr. Perry, Orlando Perry, who owns the
10 Perry Funeral Home, and asked him why he permitted the
11 picture to be taken, and he told me that the father,
12 James Rutledge Sr., had given written permission, and
13 here is a copy of the written permission that the picture
14 be permitted.

15 Q If you would put that in the folder of exhibits
16 we are going to accept.

17 A That also contains a great deal more material,
18 and this was an issue that I know was in the UCC
19 headquarters and was distributed from UCC headquarters.

20 Q The picture of the body was made part of the
21 leaflet that was distributed?

22 A A series of leaflets. They are all together.

23 JUDGE WACHENFELD: They will all be
24 contained in one portfolio previously marked

25 C-54.

1 THE WITNESS: The leaflet I just handed
 2 in contains a report from Detective Hedgespeth,
 3 who originally picked it up.

4 I also want to introduce a leaflet which
 5 has caused a great deal of dissension, and
 6 continues. This again was in UCC headquarters,
 7 according to our informants, and the title is,
 8 "The Wops Want Race War." It is a long
 9 dissertation on the K-9 Corps, the paisanos,
 10 picking on Italians. It has reference to the
 11 Irish and so forth. Thousands were distributed
 12 all over the city.

13 By Mr. Robinson:

14 Q Do you know who was responsible for the
 15 distribution?

16 A No, I don't. But what happened as a result of
 17 this leaflet was the fact that the whites got a hold of
 18 this, and I don't know which of the four groups which
 19 are active in the city got a hold of this leaflet. They
 20 printed just one more thing to the top of the article.
 21 They left the article as it was, only they added this
 22 one part: "Flyer being distributed by the niggers in the
 23 Newark area." This flooded the whole white area in the
 24 city.

25 Q About what was the date of this exchange of

1 fliers? The month would be all right. Association. Here
 2 is on A is About two weeks after Halloween. I would like
 3 to submit these into evidence. was in the possession of
 4 Leroy Hish, who JUDGE WACHENFELD: They will be received.

5 By Mr. Robinson: WACHENFELD: It will be received

6 Q You say any one of four white organizations
 7 was responsible for that retort? did this report say was

8 A Yes. of three weeks ago. It is entitled,

9 Q Have you identified those white organizations
 10 for us? goes on to say: "The slangs of Newark are

11 A I have to look them up. One is listed here
 12 as the Americans for Law and Order. I was going to talk
 13 about them later on as I go in rotation with this thing.
 14 I will give you the names. and slangs are being reported?

15 Actually the Americans for Law and Order were
 16 responsible for writing that top part to this circular
 17 just mentioned. Since then Willie Wright has been very
 18 active handing out circulars. Most of them refer to
 19 what they call the imprisonment, unlawful imprisonment of
 20 LePoi Jones and Charles McRay, and I forget the other
 21 fellows name. He has been issuing a great many leaflets
 22 where they were printed I do not know. But he has
 23 printed thousands of them, and I would like to submit in
 24 evidence some of these leaflets. a white community. I

25 Q This is the Willie Wright group of leaflets?

1 A This is United Afro-American Association. Here
2 is one issued by the United Afro-American Association
3 for Sunday, August 13th, and it was in the possession of
4 Leroy Hush, who is one of the officers in the UCC.

5 JUDGE WACHENFELD: It will be received
6 and can go in the same portfolio.

7 THE WITNESS: I think this next one was
8 two or three weeks ago. It is entitled,
9 "Loyal Americans for Law and Order" and it
10 goes on to say: "The clergy of Newark are
11 asking us to turn thy cheek to the other side
12 and love thy enemy. Would you like your
13 policeman to turn his head the other way
14 while your wife and daughter are being raped?
15 While old people are getting mugged and abused
16 on the streets of Newark? And you are paying
17 higher and higher taxes. If your answer is
18 no, then come to the city council meeting on
19 November 1st, at 7:30 P.M. and help your
20 police department enforce the law for all the
21 citizens of Newark."

22 This is an extremely racist piece of
23 literature, and this is what they are beginning
24 to come out with in the white community. I
25 would offer this in evidence.

1 JUDGE WACHENFELD: It will be received in
2 the same file.

3 THE WITNESS: There are many newspapers
4 that have been circulated, and I am not going
5 to offer them because they are more or less
6 alike. But I would like to maybe skip and
7 save some time and tell you about one piece of
8 literature that was put out by Willie Wright
9 Monday. It is white against black and black
10 against white. A great deal of it has been
11 fomented by Willy Wright.

12 Now, on the 10th and 11th of October the
13 violence was so bad that we had to close the
14 schools, and I myself was in the school. I was kicked
15 a couple of times by some girls. We finally
16 closed the school. We kept the police officers
17 there for a long time. We had, we thought, pretty
18 well calmed the situation until Monday when we had
19 the first incitation -- there may have been other
20 things that happened before that that we didn't
21 know about. Willy Wright issued the leaflet. In
22 itself it is not too bad. It says, "We message to
23 all black students of Barringer. Why were only
24 black students suspended after the series of fights?
25 Why are there so few black teachers at school?"

1 JUDGE WACHENFELD: This Monday you mean?

2 THE WITNESS: Yes, sir.

3 JUDGE WACHENFELD: That would be November 13?

4 THE WITNESS: Yes, sir. It was distributed
5 all through Barringer High School. Since the riot
6 and beginning October 10th there has been a great
7 deal of trouble in Barringer High School, and I am
8 not going to mislead you: It is purely racial in
9 character. It is white against black and black
10 against white. A great deal of it has been
11 fomented by Willy Wright.

12 Now, on the 10th and 11th of October the
13 violence was so bad that we had to close down the
14 schools, and I myself was up there. I was kicked
15 a couple of times by some girls. We finally
16 closed the school. We kept the police officers
17 there for a long time. We had, we thought, pretty
18 well calmed the situation until Monday when we had
19 the first intimation -- there may have been other
20 things that happened before that that we didn't
21 know about. Willy Wright issued the leaflet. In
22 itself it is not too bad. It says, "A message to
23 all black students of Barringer. Why were only
24 black students suspended after the series of fights?
25 why are there so few black teachers at school? Do

1 we have the same rights as white students? We
2 must act now. Come to a rally. Speaker: Willy
3 Wright (of the Urban Afro-American Association.)

4 Date: 8:00 p. m., Tuesday, November 14. Place:
5 House of Prayer, 47 Broad Street. Brothers and
6 sisters -- it's time to unite."

7 After this was distributed they began to have
8 trouble. I would like to present this in
9 evidence, too.

10 JUDGE WACHENFELD: It will be received in
11 the file.

12 THE WITNESS: I would like to submit in
13 evidence the newspaper articles that have been
14 printed in the Newark Star Ledger and the Newark
15 News the past three days, which indicates that
16 school is practically closed as of yesterday
17 afternoon because of the boycott. They closed
18 it at 12:40 p.m. Today it was closed, and we
19 don't know what is going to happen, which is an
20 indication, I guess all of us know in this room,
21 that things are not good outside.

22 I think this is all I would like to give for
23 the leaflets, plus I would like to give the
24 newspaper articles about the Barringer problem.

25 JUDGE WACHENFELD: They will be received.

(EXHIBIT NO. C 55 WAS RECEIVED IN EVIDENCE.)

By Mr. Robinsons:

Q What is the nature of that boycott as you understand it?

A The PTA and a large segment of the faculty has decided that the school is no longer safe for both students and teachers and that they will not permit their children to come to school nor will the teachers come to school unless the Board of Education assures them that precautions have been taken to make it safe for them physically in the school and around the school. This is the sum and substance of it.

JUDGE WACHENFELD: Is the school closed now?

THE WITNESS: Yes, sir.

By Mr. Robinson:

Q Does it appear to be a Negro and white boycott?

A Definitely. Today there were demonstrations in front of Newark City Hall and in front of the Board of Education and both Negro and white students were there picketing, demanding the same things, and some of the posters, placards said, "Black and white, unite for Barringer." To me this is an indication there are a great many people who are not satisfied with conditions as they are regardless of their race and would like for things to ameliorate.

1 JUDGE WACHENFELD: Do you know what is being
2 done by attempting a solution of this problem up
3 there? who is the principal at Barringer High?

4 THE WITNESS: Well, first of all, -- and I
5 don't care; I will say it publicly -- the prin-
6 cipal of the school, although a good man, was not
7 the type of an individual who was a disciplinarian
8 and the authoritative kind of person that you
9 need in the high schools of the City of Newark
10 today. He was the kind of an individual that did
11 not come out of his office when disciplinary
12 problems presented themselves and would rather
13 have some subordinate handle the situation. I was
14 cognizant of this as far back as five years ago,
15 and I did tell the Board of Education at the time
16 that they should have had somebody else.

17 I am a Barringer High School graduate, and I
18 know the school thoroughly. I know a lot of
19 teachers that teach there, but nothing was done
20 about it. When he came back from sabbatical they
21 leave this year, because the problems that we had
22 in the city today, or in July, children or young
23 people of today reflect the emotions, reflect the
24 attitudes and reflect the expressions of their
25 elders, whether they are their parents or people

1 that they know who are adults. There was this
2 kind of a hostile attitude at Barringer High.
3 Mr. Kane who is the principal at Barringer High,
4 evidently did not comprehend this. He did not
5 understand that strong stands should be taken to
6 try to contain these young people, with the result
7 that there were serious racial problems in the
8 school regardless of what anybody else termed it
9 at the time and regardless of whether they said
10 it was overtones of race problems. I know that
11 it was purely racial. Certain recommendations
12 were made October 10th and 11th that should have
13 been followed and they weren't. I don't know who
14 is to blame. least two-thirds of these fire

15 ~~alarm~~ JUDGE WACHENFELD: Who made those recom-
16 mendations? up at least half of the hours in this
17 place THE WITNESS: Some came from the faculty and,
18 believe it or not, some came from the students.
19 We had ministers and priests go all through the
20 school asking the children in each class what they
21 thought was wrong. Almost without exception
22 every minister, every priest came back with some
23 of the same things. Number one, insufficient dis-
24 cipline. Secondly, that the administration was
25 not close enough, nor was there communication

1 between the administration and the people res-
2 ponsible for the students in a class, in other
3 words, the teacher. Third, there were allegations
4 on the part of the Negro students that certain
5 segments of the white teachers were biased.
6 There were recommendations in this kind of an
7 area.

8 I as a police officer recommended that
9 certain doors be closed. There are 76 doors in
10 that school. It is a physical impossibility to
11 supervise these doors. There are 62 fire alarms
12 in that building, which is ridiculous. It is a
13 one-story building. Something should be done to
14 eliminate at least two-thirds of these fire
15 alarms. Something should be done to either brick
16 up or lock up at least half of the doors in this
17 place. Somebody was supposed to look into these
18 things and it hasn't been done.

19 Some of the problems that arise arise from
20 the large number of doors where drop-outs come
21 in and create problems. A great many problems
22 arise by the fact that there are so many alarms,
23 that any kid can walk ten feet and push a button.
24 There is a fire alarm there, plus the fact that
25 the school was only built to house about two

1 thousand, maybe twenty-one hundred students, and
2 has about twenty-eight hundred students.
3 The big problem arises almost every day.
4 The disciplinary problem in the cafeteria. This
5 has a capacity for about six or seven hundred.
6 What happens is a lot of kids are supposed to be
7 staggered for the cafeteria. They have no system
8 by which three hundred kids will be in the
9 cafeteria and when their time is up they have to
10 get out and three hundred more kids come in.
11 They stay right there, and they hang in the place
12 creating more problems. Almost every fight, every
13 commotion, every disruption that happened, hap-
14 pened right in the cafeteria.
15 I would like to get these things into
16 evidence. There were a lot of allegations at
17 Barringer that the police caused problems, which
18 I deeply resent because I was there myself. For
19 example, we had a letter from the vice-principal
20 in which he thanks us. I will read the second
21 paragraph.
22 "May I say a word further in praise of the
23 self-control and discretion of the Newark police?
24 All of the uniformed police were carrying
25 nightsticks. They and the plainclothesmen as well

1 were foully cursed, struck and taunted, yet never
2 did I see a single man use his stick or hear any
3 man, uniformed or plainclothes, utter a word of
4 profanity. Force was used but used in careful
5 measure and only where necessary to protect life.
6 And this I say as a witness who was in the thick
7 of the melee. The Newark police richly deserve
8 and have my gratitude."

9 and JUDGE WACHENFELD: All of the correspondence
10 and the pertinent documents in reference to the
11 school incident will be contained in the Exhibit
12 C-55 and marked separately.

13 MR. BROWN: Do you find some of the white and
14 Negro students banding together in any activity
15 other than the picketing? Is there any unity at
16 all between the Negro and white students?

17 THE WITNESS: Very little. I didn't tell
18 you the whole story about this Barringer thing.
19 After the first day, the day before yesterday,
20 when Willy Wright was to address these young
21 people at the House of Prayer, he did meet with
22 these young people. In the meeting came walking
23 some white people. The leader of this group is
24 a fellow named Anthony Imperiale, who has a judo
25 school. There were words exchanged between Willy

1 Wright and Imperiale. Imperiale resented some of
2 the remarks that Wright made because they said
3 they were racist in character. An argument
4 resulted, and Imperiale challenged Willy Wright
5 to come outside, but it didn't happen.

6 Then the Reverend ordered the whites out of
7 the building. I found out about it. I was
8 debating in Upsala College with members of CORE,
9 and I found out about it at Upsala and I came
10 down to the House of Prayer. The Reverend -- I
11 think his name is Dolzell -- told me what occurred.
12 It appears that these Negroes had been meeting in
13 the House of Prayer and that in my opinion from
14 talking to this minister, this Episcopalian
15 minister, that he more or less was inciting them.
16 He denied this to me and said that he was just
17 trying these young people express themselves and
18 to protect themselves.

19 Last night, or rather this morning around two
20 o'clock, an informant came to my office down at
21 police headquarters and told me that he had been
22 in this House of Prayer and that he actually heard
23 this minister say, "well, you better get yourselves
24 armed, Boys, because you have got to protect
25 yourselves." This is the kind of thing that I

1 think is bad and if we could eliminate these --

2 MR. BROWN: Is he Negro or white?

3 THE WITNESS: He is white. If we can eli-
4minate these kind of people from talking to some
5of these youngsters who are impressionable, I
6think we can do something with them.

7 My informant told me that these young people,
8the Negroes, didn't seem to want any problems.
9He thought if we could get together we could do
10something about them.

11 This afternoon Detective Curtis Gilmore, who
12is a member of my PAL group and also the com-
13mandant of my Police Trainee Corps and also a
14minister, an ordained minister, is going to meet
15with the Reverend and some of these Negro boys of
16the House of Prayer. I don't know what the
17results are going to be, but knowing Gilmore and
18knowing Captain Williams, who is also going to be
19there, the head of my Police-Community Relations
20Bureau, I am sure they are going to get some
21place with these boys. At least I am hoping.

22 MR. BROWN: You have been watching this for
23five years. What has caused the absolute white-
24black situation? Have you any idea?

25 THE WITNESS: Yes.

1 MR. BROWN: This is not the only integrated
2 school in Newark.

3 THE WITNESS: No. This school for the first
4 time has had a tremendous influx of Negroes.
5 Barringer has always been a white school.

6 MR. BROWN: What is the percentage now?

7 THE WITNESS: Fifty-fifty. It has always
8 been a white school with a smattering of Negroes,
9 and the Negroes have always been highly respected,
10 outstanding athletes. We never had problems in
11 Barringer High. Now with the busing that has come
12 in I think that the people who are being bused in
13 are the kind of individuals that the other schools
14 don't want. As a matter of fact, a lot of them
15 that are being bused in don't want to be. They
16 would rather stay in their neighborhoods with their
17 own friends. This is what is creating this
18 schism between them plus, as I said before, I
19 think this is just a reflection of the racist
20 attitudes at home, black or white.

21 MR. BROWN: But you haven't had it in other
22 high schools?

23 THE WITNESS: No. We have a limited number
24 of problems at West Side, very small.

25 MR. BROWN: Why Barringer? You say it is a

1 reflection of the general community conditions,
2 organization but why this one school when the others don't
3 evidence apparently have it?

4 THE WITNESS: Most high schools outside of
5 East Side High and Barringer are white predom-
6 inantly today.

7 MR. BROWN: South Side?

8 THE WITNESS: That is almost totally Negro
9 revealed, today. With the influx of Negroes into a school
10 there is a certain kind of resentment by the
11 whites. This is one of the reasons why we are
12 having the problems.

13 MR. BROWN: So you think that because you
14 have a fifty-fifty ratio and with people being
15 brought in -- the ones being bused in are also
16 from Newark? East Orange and Newark. Did I tell

17 you about that? THE WITNESS: Yes. I say it is a reflection
18 of how their parents feel, how the adults around
19 these youngsters talk. As I told you three weeks
20 ago, there is a rising amount of tension in the
21 white groups in the city to the degree they are
22 becoming organized now and they never were before.
23 These are part of the participating entities into
24 the whole problem.

25 By Mr. Robinson: they hung around a restaurant at

1 Q Are there any other pre-riot events of people or
2 organizations that you would like to tell us about or submit
3 evidence of into the record, Director?

4 A I don't think so.

5 MR. ROBINSON: Off the record.

6 (Discussion off the record.)

7 By Mr. Robinson:

8 Q Will you tell us what your investigation has
9 revealed, as well as your own personal knowledge of the
10 events immediately involved in the arrest of Mr. Smith and
11 the disturbance at the Fourth Precinct that first night?

12 A I think first you should know -- I don't know
13 whether I have told you because I am so confused skipping
14 back and forth -- that we did have a serious problem, I
15 think it was the 8th of July on Fourteenth Street, which is
16 the borderline between East Orange and Newark. Did I tell
17 you about that?

18 A No. One way or another, I personally think that
19 we had a group of Muslims in the City of Newark
20 who were expelled from the Black Muslim Temple on West
21 Market Street, and from conversations that we have had with
22 James Three X, who was the minister in charge of the Black
23 Muslim Temple, he said they were a kind of people who would
24 create problems and they don't want these people in their
25 Muslim Temple. For awhile they hung around a restaurant at

1 Number Five Wallace Street in Newark, and they were creating
2 problems for us at this location. We have had a number of
3 police incidents because of their arrogance, because of
4 their defiance, because of the police incidents they
5 themselves created. Finally I think because they noted that
6 police officers were always around this location at my
7 direction they moved to Fourteenth Street in East Orange.
8 They moved to Number 91 North Fourteenth Street, which is
9 the East Orange side of Fourteenth Street. So we thought
10 we were rid of them and we were very happy about it. But
11 now they began to cause problems to the East Orange police.
12 For example, they would call or have caused the East Orange
13 police to be called to the scene, and then they would defy
14 them and call them filthy names.

15 This began to be not only embarrassing to the East
16 Orange police but exasperating to the degree that one day
17 they knew once and for all the East Orange police would have
18 to settle it one way or another. I personally think that
19 they were reluctant to because any trouble there would mean
20 physical violence. At any rate, on this day, July 8th,
21 there was a series of incidents at 91 North Fourteenth
22 Street.

23 In all of the boundaries of East Orange there were only
24 ten police on duty at that time. So the man who was in
25 charge of the patrol, Captain Daniel Fausto, finally decided

1 that something should be done. I would like to read his
2 report. requested by request that they decide and just then
3 the "At approximately 1:10 a.m. this date I was summoned
4 to Number 91 North Fourteenth Street by Sergeant Frank
5 Fehn at the request of the Newark Police. Upon arrival at
6 that location I was met by Lieutenant Edward McGurty of the
7 Newark Police and Sergeant Fehn. I was advised by the
8 officers that a group of men at Number 91 North Fourteenth
9 Street were creating a disturbance and that numerous
10 complaints had been called in both to East Orange head-
11 quarters and Newark headquarters."

12 "At that time I personally observed the group in
13 question standing on the first floor porch of Number
14 91 North Fourteenth Street, this group of ten to fifteen
15 young men were chanting and yelling insults, including
16 profanities to the assembled Newark and East Orange police
17 officers. Due to the fact that these persons were in East
18 Orange, Lieutenant McGurty and his men were requested by
19 me to stand by at that location in case they were needed."

20 "It was apparent that the mood of the people assembled
21 on this particular porch was belligerent and threatening to
22 say the least. Sergeant Fehn and I walked to the front of
23 the house and stood on the sidewalk. I then asked the
24 group of men to please stop their excessive noise, explaining
25 to them that the neighbors had complained. These men

1 immediately set up a chant of "the man wants quiet."
2 their "I repeated my request that they desist and just then
3 the group attacked both Sergeant Fehn and myself knocking
4 both of us to the ground under a rain of blows followed by
5 kicks when we were on the ground. I laid there dazed for a
6 short time when suddenly the ground under me near my head
7 vibrated and I heard a loud crash. I looked to my side and
8 saw a cement cinder block laying inches from me. I then
9 looked up and saw two or more men standing on the second-
10 floor porch and knew that the cinder block had been flung
11 by one of them." Treatment and hospitalization of two of
12 the "Realizing that these men would soon render me uncon-
13 scious if their savage attack continued, I called the Newark
14 police officers and asked for their assistance. The Newark
15 officers complied but were met head-on by the incensed mob
16 of men who rushed at the police officers and began assaulting
17 the officers in the middle of the street. Some of the
18 assailants broke off their attack and ran back into the
19 house at 91 North Fourteenth Street." equipment and to
20 evacu "Observing the men running into the house, I immediately
21 directed the officers to follow them and effect their of
22 arrest and to prevent from possibly obtaining weapons which
23 I feared they might have had cached in the house. All the
24 during the time of the assault there were other persons
25 inside the house and on the second-floor porch who were

1 throwing bottles and rocks which must have been stored in
2 their house at an earlier time." *Continuation of the behavior*
3 of the "Finally by the strength of superior numbers of officers
4 we were able to subdue the combatants. They were then
5 handcuffed and transported from the scene to headquarters
6 and to the East Orange General Hospital for treatment. Six
7 East Orange police officers were also sent to the hospital
8 for treatment of their injuries, myself and Sergeant Fehn
9 included. I do not have the exact number of injured Newark
10 police officers at this time but do know that three were
11 injured requiring treatment and hospitalization of two of
12 the three. Privates William Provost and Thomas Tretol of
13 the Newark police were detained for further treatment of
14 head and back injuries. The third officer, Patrolman Henry
15 Martinez, suffered a puncture wound in the leg, he having
16 apparently been stabbed with a sharp instrument during the
17 assault." *Here from East Orange which I would like to include*
18 so that "Prior to my leaving the area to go to the hospital I
19 ordered all personnel to pick up their equipment and to
20 evacuate the area. There were at that time mobs of people
21 milling about shouting obscenities and voicing threats of
22 violence towards the police officers. It was my belief that
23 perhaps the danger of mob violence would subside with the
24 absence of our police officers. The officers did so in one
25 body to avoid leaving any stragglers to the mercy of the mob."

1 of it. "It should be noted that earlier in the evening I had
2 been apprised by Patrolman Ralph Gruendel of the behavior
3 of this group and had requested that he submit a report to
4 me in writing. His report is attached. A second incident
5 occurred shortly after 12:00 midnight. The officers sent
6 to the scene, Patrolman Daniel Gullinana, was requested to
7 submit a report and same is attached."

8 were "In conclusion I must report that without the assistance
9 of the Newark police our officers, including Sergeant Fehn
10 and myself, would have assuredly suffered greater and more
11 serious injuries. Their cooperation and concern was only
12 surpassed by their courage and fortitude which resulted in
13 the arrest of twelve of the combatants."

14 There are other reports, one by Detective Hedgspeth,
15 and I think it will take too long to read. It reiterates
16 what the Captain from East Orange said. There are police
17 reports here from East Orange which I would like to include
18 so that they can be read and perused at the pleasure of the
19 commissioners.

20 JUDGE WACHENFELD: All of those reports will
21 be received and marked as one exhibit under a
22 separate portfolio. That night, around midnight,
23 and this (EXHIBIT NO. C56 WAS RECEIVED IN EVIDENCE.)

24 By Mr. Robinson: Agent Aronoff of our Communications
25 Bureau. Does that bring us pretty much up to the events

1 of Wednesday night, July 12th, the night of the arrest of
2 Smith? called for my driver and went to the Fourth Precinct.
3 As I Am Except for the fact that as a result of that
4 incident tensions again in the community were high. There
5 were outcries of police brutality. Again the Newark police
6 were blamed and not the East Orange police. Nobody paid
7 any attention to the fact that six Newark police officers
8 were seriously injured as the result of this fracas, and
9 meetings and protest leaflets were flying all over the city
10 including East Orange. There were several meetings in East
11 Orange council chambers, including the very night of the
12 July 12th when the other incident happened. about before
13 that Q: Could you tell us what your investigation has
14 revealed of the night of July 12th beginning with the arrest
15 of Mr. Smith? of the problems. Some of the windows in the
16 Precinct on July 12th was a Wednesday, which I will never
17 forget. I had gone to police headquarters, as is cus-
18 tomary with me on Wednesday nights. I have open house
19 meetings where any citizen of the city can come into my
20 office and make a complaint or suggestion or recommendation.
21 It was an unusual night in that no one showed up, and I
22 left for home around 8:45 p.m. that night. Around midnight,
23 and this is also unusual for me to go home, I received a
24 telephone call from Lieutenant Armenti of our Communications
25 Bureau. He reported that the Fourth Precinct was being

1 bombarded with rocks. I tried to disperse the crowd, and they
2 criticized I called for my driver and went to the Fourth Precinct.
3 As I got out of the door the rocks were being thrown inter-
4 mittently, and the rocks came from the other side of the
5 street, Seventeenth Avenue, from the Reverend Hayes Homes
6 and some apparently from the top of the roof. I myself was
7 hit by three rocks, one rock which caused a laceration of
8 my left bicep, one a laceration of the shin bone and one
9 which caused a fracture of the little toe of my right foot.

10 In the doorway of the Precinct I met Al Oliver. He is
11 one of the UCC paid employees. He is also a member of the
12 National Negro Labor Vanguard that I spoke about before
13 that has communist orientation. There were no policemen
14 outside the building. I spoke with Mr. Oliver and talked to
15 him about some of the problems. Some of the windows in the
16 Precinct were shattered. When I walked into the building
17 police officers were standing in squad formations with tin
18 helmets and nightsticks. A cab driver, John Lofton, whom
19 they questioned inside the building? history, resisting arrest and
20 some other inside. We had no regular, modern helmets. When
21 I got inside Mr. Oliver Lofton here and Donald Wendell were
22 present in the room, and to me it appeared that Mr. Wendell
23 had been drinking. I made no comment about it. Mr. Lofton
24 and Wendell talked to me in the police reporting room. They
25 made allegations that Inspector Melchior had made a mistake

1 in ordering the men out to disperse the crowd, and they
2 criticized him because they did not recognize some of the
3 anti-poverty people there, including Mr. Timothy Still, who
4 is a fixture in this neighborhood.

5 I explained to both of them that Inspector Melchior
6 had just returned from the Bureau of Traffic and Signals
7 where he had held a desk administrative job for over three
8 years and apparently was not familiar with the individuals
9 mentioned. I looked up Seventeenth Avenue, which is a
10 short I also pointed out to both of them that this did not
11 make any difference, that here is a series of crimes and
12 offenses being committed as was apparent by the damage to
13 the building and the police officers who had been injured
14 by stones, and that it was the responsibility of the
15 officers to take immediate action. They could be seen on
16 side I asked Inspector Melchior what happened, and he told
17 me that Patrolman DeSimone and Patrolman Pontrelli had been
18 involved in an arrest of a cab driver, John Smith, whom
19 they arrested for assault and battery, resisting arrest and
20 some motor vehicle violations. orders deployed his men and
21 clear All the while rocks were being sporadically thrown at
22 the Precinct. I stayed outside watching the activity of
23 the people in the street, and filthy and obscene epithets
24 were thrown at policemen and the crowds kept getting larger
25 and larger. I could easily see that the most active and

1 vigorous participants were those kids from the ages of
2 twelve to seventeen years of age.

3 Q This was what time?

4 A That was a little after twelve.

5 Q After midnight?

6 A After midnight, sometime after midnight.

7 while I was talking to Deputy Chief Redden, he was
8 deploying his men, and I heard a loud crash of glass and I
9 walked outside. I looked up Seventeenth Avenue, which is a
10 short block, and I could see looters walking in and out of
11 a liquor store on Belmont Avenue, which is directly
12 adjacent to Seventeenth Avenue. I then felt that we had
13 waited long enough in that Precinct. We had tried to obtain
14 the Civil Rights people and Anti-Poverty people who were
15 present like Mr. Lofton, to do what they could to stem the
16 tide and they were unable to do that, and now there was a
17 serious violation of the law, a burglary, a looting. I
18 ordered the police out to disperse the crowd and to
19 apprehend those who were looting the store.

20 Deputy Chief Redden at my orders deployed his men and
21 cleared out a working perimeter around the Precinct as a
22 basis of operation. As soon as our men walked out of the
23 Precinct -- we had no shields but just the poor old World
24 War One tin helmets. They were hit with rocks, and some
25 were hospitalized as the result of the rock throwing.

1 However, we were able to clear enough area to be able to
2 deploy personnel.

3 The rocks had broken many windows on the radio cars
4 and had broken a substantial number of Precinct windows.
5 We sent men into the tops of the roofs of the projects to
6 clear them off because that is where some of the rocks were
7 being thrown from. At least one radio car was burned out
8 by a Molotov cocktail. Others had been thrown in and about
9 the building.

10 While in the Precinct and apparently having calmed and
11 cleared the area, a large number of taxi cabs parked double
12 across the street from the Precinct, and when they pulled
13 up young people began to applaud, shout and cheer. I
14 ordered all the cab drivers to leave except three represent-
15 atives. When they spoke to me they were extremely militant
16 and stated that they had heard that John Smith, a cab driver,
17 was dead. I told them that John Smith had gone to the
18 hospital for treatment, he having received one fractured
19 rib, and was now at police headquarters.

20 All of these cabs came from the Twentieth Century and
21 the Safety Cab Company, a substantial number from the
22 Twentieth Century.

23 were they principally Negro cab drivers?
24 A All were Negroes. They all picked up numerous
25 youths after they were dispersed from the Fourth Precinct

1 and went down to City Hall. At City Hall a James Walker,
2 who is also another UCC paid staff worker, was at the scene
3 in front of City Hall and apparently inciting the drivers.
4 Deputy Chief Redden notified these drivers they were
5 violating the traffic laws and that if they didn't move,
6 he would have them towed away. He did have two of the taxi
7 cabs towed and the remainder voluntarily dispersed.

8 I must also make the following observation from
9 reports submitted and that we can give you copies of: James
10 Walker again came to police headquarters with approximately
11 fifty people, mainly cab drivers, around 2:30 a.m. He
12 attempted to enter police headquarters. Detectives barred
13 the door and Lieutenant Edward McGurty informed the group
14 that the prisoner could not be seen and that they could not
15 enter. The officers had to block the door with loaded
16 shotguns, and James Walker looked at the officer and said,
17 "You are well prepared." The crowd realized that they could
18 not enter, kept milling around until Walker finally said,
19 "Come back tomorrow morning and fill the court. Bring your
20 family, sisters and brothers."

21 A cab driver who had requested to see the prisoner
22 Smith turned to Walker and said, "Hey, you are leading this
23 thing, aren't you?" Walker replied, "I am just one of the
24 crowd." MR. BROWN: Were the arrests made around the

25 During this specific night only eight stores were

1 looted and six arrests were made. As a matter of fact, one
2 of the arrests that was made was a young girl who, at the
3 request of Mr. Lofton, I let off in his custody.

4 Q Could we stop there just a minute? Referring to
5 the events of Wednesday night and early Thursday morning,
6 is there any police action that was taken or that was not
7 taken that in retrospect you would change?

8 A Today I would.

9 Q Tell us that.

10 A Today I would not have sat around talking to
11 Mr. Lofton and Mr. Walker and Mr. Wendell or anybody else.
12 I would have walked right out there and ordered them to
13 move and dispersed them and take immediate action.

14 Q In other words, today, based on the experience of
15 that night and early the next morning, you would have taken
16 quicker police action?

17 A I would.

18 Q Anything else?

19 MR. BROWN: How many arrests?

20 THE WITNESS: Six.

21 MR. BROWN: Was that one of those released
22 and the others in custody?

23 THE WITNESS: That wasn't even tabulated.

24 MR. BROWN: Were the arrests made around the
25 Fourth Precinct?

1 THE WITNESS: Yes, sir.

2 By Mr. Robinson: You don't need such training

3 Q Is there anything else you would do differently
4 in similar circumstances?

5 A I wasn't prepared either. I wasn't prepared in
6 a number of ways. Psychologically our men weren't prepared.
7 Physically we weren't prepared because we didn't have
8 equipment. At that time we only had maybe twenty-five
9 shotguns in the whole police department. We had no decent,
10 modern helmets. We had no shield to ward off the stone
11 throwing. A great many of our casualties resulted from
12 the stones that were thrown.

13 MR. BROWN: Any gunshots that night at all?

14 THE WITNESS: No, sir. Neither the police
15 nor the rioters, if you chose to call them that,
16 fired any weapon.

17 MR. BROWN: Did you have then or do you have
18 now any plans or facilities for using tear gas
19 and some of the more conventional means?

20 THE WITNESS: Yes, sir. I thought that it
21 would.

22 MR. BROWN: Did you then? In front of a
23 bull THE WITNESS: No, sir. riot formation. It
24 had

25 MR. BROWN: You are speaking citywide that
you didn't have any tear gas?

THE WITNESS: We had some tear gas.

1 MR. BROWN: Nobody trained to use it?

2 THE WITNESS: You don't need much training
3 for tear gas. We did give training to recruits
4 when they first came into the department on riot
5 formations and the like, but no prolonged, sub-
6 stantial, specialized missions for any one group.

7 MR. BROWN: What about that in terms of
8 training for men as they grow more experienced,
9 longer on the force? Let's assume the recruit
10 gets this kind of training. If he is a ten-year
11 man, has he had any retraining?

12 THE WITNESS: In riots?

13 MR. BROWN: In anything.

14 THE WITNESS: We did not do it in riots. We
15 did for what I think is a valid reason. Realizing
16 the problem we had in the city when I became the
17 Police Director, and realizing the increasing
18 civil rights movement in the socio-economic
19 struggle of the Negro, including the dissidents
20 and the protestors that we had, I thought that it
21 would be like waiving a red flag in front of a
22 bull if we started to have a riot formation. It
23 had never been done before where the Negro popu-
24 lation was much less than it was starting in 1960,
25 for example. I didn't think it was right at that

1 time to have any riot training.

2 I have always felt, and I expressed this to
3 Governor Hughes, that riot training wouldn't do
4 much good if you didn't have the equipment and you
5 had the kind of problems that we do have in the
6 city; that it would incense the Negroes and that
7 we probably would have more problems than it was
8 worth. That is the reason we never did have any
9 riot training.

10 Q MR. BROWN: Couldn't you have riot training
11 without having public involvement or notice, for
12 example, using military reservations?

13 A THE WITNESS: Mr. Brown, there isn't a thing
14 that goes on in the Newark Police Department that
15 my opponents don't know about. They have their
16 own intelligence.

17 Q MR. BROWN: What do you mean by opponents,
18 within the Department or without?

19 A THE WITNESS: These racist dissidents, these
20 racists we have. They know practically everything
21 that goes on in the Department except in our own
22 Intelligence Bureau.

23 Q MR. BROWN: So you think if you had riot
24 training --

25 A THE WITNESS: They would have known.

1 MR. BROWN: What about now?

2 THE WITNESS: Now I don't care if they know
3 it or not because I know that a substantial number
4 of Negroes as well as the whites want to see the
5 police prepared for any eventuality. I don't think
6 that most people in this city want to see what
7 went on between July 12 and July 17 again. I
8 think that they understand that the mission of a
9 police department is to protect them, and I don't
10 care whether they know it or not any more.

11 MR. BROWN: To follow up Mr. Robinson's
12 question, what techniques have been developed now
13 to meet the problem, let's say, if it happened?

14 THE WITNESS: We just got a lot of new
15 equipment.

16 By Mr. Robinson:

17 Q Sufficient?

18 A Yes.

19 MR. BROWN: Have you had ample time to train
20 and use this stuff?

21 THE WITNESS: No. We didn't get the
22 equipment yet. It takes time to get the equipment.
23 We have been permitted to get two hundred thirty
24 thousand dollars worth of equipment. I couldn't
25 get one walky-talky last year when all of a sudden

1 I got \$230,000 to buy equipment with.

2 we have just gotten through writing a new

3 manual for riot control.

4 MR. BROWN: But in effect you are preparing,

5 but you really haven't done much further than

6 before in terms of actual effect?

7 THE WITNESS: Except we have more equipment.

8 We have 500 shotguns today. We only had 25 before.

9 By MR. BROWN: Other than shotguns. Let's

10 assume you had trouble tomorrow night. What would

11 handling you have to use?

12 THE WITNESS: We are psychologically prepared

13 today where we weren't in July. For example, you

14 probably were in combat. You have got to make a

15 your decision whether you are going to commit your

16 up until people or not, and you have got to make a decision

17 whether somebody is going to live or die.

18 Probably the first time in the history of a city

19 like Newark, which has always had peace, it is

20 difficult to tell your men that you are now

21 involved in incidents which might cause death not

22 only to you but you might have to shoot back. It

23 was difficult to tell these people to go out and

24 take positive action.

25 We always felt we had muddled through since

1 repetition 1960 with these problems and had been successful.
2 manpower. We hoped that we could have done it during this
3 year. It didn't work out that way.
4 certain loss. MR. BROWN: So actually with your shotguns
5 Don't screw and your new psychological orientation, to that
6 we had the extent you feel better prepared but you have a
7 wouldn't a long way to go yet?

8 THE WITNESS: Yes, sir.
9 By Mr. Robinson: would be a callback of men who
10 were Q? Is there any other change that you would make in
11 handling a similar situation as compared with the way it was
12 handled that first night and early Thursday morning?
13 A: Only the things I have stated.

14 Q: Tell us how you as the Director of Police spent
15 your day beginning with the daylight hours Thursday morning
16 up until the time the demonstration began in front of the
17 Fourth Precinct early Thursday evening. Tell us what went
18 on from the police viewpoint.

19 A: Around four-thirty we felt we had the situation
20 well in hand. There were no more incidents.
21 Q: Four-thirty a.m. Thursday?

22 A: That's right. Daylight had come up. I ordered my
23 staff into police headquarters to meet at 9:00 a.m., which
24 we did. We did feel we had contained the problem, and I
25 think that we hoped beyond hope that there wouldn't be any

1 repetition of what happened on the 12th. But we did prepare
2 manpower for what might happen on the 13th.

3 We ordered over 500 police officers to be available in
4 certain locations. Again we went along with the old theory:
5 Don't scratch the hog because he might get irritated, and
6 we hid them in five precincts, which is another thing I
7 wouldn't do any more.

8 We made provision that in the event that we had
9 serious problems that there would be a callback of men who
10 were off duty and men who were on vacation. Meanwhile the
11 Mayor called a meeting that morning around eleven o'clock
12 with some civil rights people. I had some civil rights
13 people come to my office, including Richardson and Harry
14 Wheeler, and I talked to them. We tried to map out some
15 kind of campaign to ease the tensions. The Mayor tried to
16 do the same thing with his group, but he didn't get the
17 kind of people that could reach into the city. I think
18 gone is the day when ministers and members of the clergy
19 can contain certain elements of our people in our city. They
20 have not and are not reaching certain elements of our popu-
21 lation.

22 MB. BROWN: When you say population, you mean
23 shouldn't white and black?

24 THE WITNESS: That's right. I think to that
25 the nature extent that conference was not such a tremendous

1 and he denied success.

2 charges or By Mr. Robinson:

3 Q What about Prisoner Smith late Thursday morning,
4 what was happening to him?

5 A He went all through the processes with his
6 protection. Mr. Oliver Black, the chairman of our Human
7 Rights Commission, took an extreme interest in him and
8 everybody else did. I permitted Mr. Black to be present in
9 the Fourth Precinct at all times and to go into the cell
10 block to talk to people. I did this on the next night, and
11 I will never do that again.

12 Q Why is that?

13 A Because he was the source of harassment, constant
14 irritation, and my point of view is that he instigated
15 people even to make an allegation of mistreatment and
16 illegal abuse of authority.

17 He was moved at 11:15 a.m. to the cell block in police
18 headquarters where he was interviewed by Detective Suckey
19 in the presence of Detective Michael Hughes and Frank Rabar,
20 and Messrs. Black, Oliver Black, and John Barnes.

21 I am giving you your case over here, Mr. Lofton. You
22 are the attorney of record for Mr. Smith, and maybe you
23 shouldn't even be here.

24 Smith was informed of his constitutional rights and
25 the nature of the charges that were preferred against him,

1 and he denied the allegations and would not answer the
2 charges or any questions concerning the arrest. Then at
3 eleven-thirty he was allowed to speak privately in a room
4 in police headquarters with Mr. Black and Mr. Barnes, both
5 members of the Human Rights Commission, and at the conclusion
6 of that he was issued a summons by Patrolman Pontrelli for
7 following too close in his auto and driving while on the
8 revoked list and on the wrong side of the street. He was
9 arraigned at 12:30 p.m.

10 Q Was there a crowd present at that arraignment?

11 A I don't know.

12 Q At least you have no record of any incident at the
13 arraignment?

14 A No, we would be glad to present it.

15 Q Continue, please.

16 A The case was referred to the Essex County Grand
17 Jury by Judge Del Mauro and bail was set at \$1,000 for
18 assault and battery on the police officers and \$250 bail for
19 driving on the revoked list.

20 At 4:30 p.m. he was transported to the Newark Street
21 jail. At seven p.m. he was released and paroled in the
22 custody of his lawyer, Mr. John Love of 11 Hill Street by
23 Magistrate Del Mauro.

24 Q Tell us of the significant events leading up to
25 the demonstration in front of the Fourth Precinct Thursday

1 evening. By Mr. Robinson:

2 A That is about all except the Mayor met with this
3 group in his office where I was present.

4 has been proper JUDGE WACHENFELD: Director, you have our
5 stenographer pretty well worn out. I think we
6 might have a five-minute break.

7 (whereupon, a short recess was taken.)

8 JUDGE WACHENFELD: Director, before you start
9 on your testimony again, you started to open a
10 modern manual on riots. That has been prepared
11 by the department?

12 THE WITNESS: Yes, sir. It has not been con-
13 pleted, but if the Commission would like to study
14 it, we would be glad to present it.

15 JUDGE WACHENFELD: Who prepared it, you?

16 THE WITNESS: No, sir. This is the Bureau of
17 Planning and Research with an added complement
18 from a captain in the National Guard who is a
19 member of my police department who helped with it.

20 JUDGE WACHENFELD: And so far as you have
21 gone do you approve of it in its present form?

22 THE WITNESS: Yes, sir.

23 JUDGE WACHENFELD: We would like to have it
24 and mark it as an exhibit.

25 (EXHIBIT NO. C 57 WAS RECEIVED IN EVIDENCE.)

1 people. By Mr. Robinson:

2 walking out. Just so it is clear, this Bureau of Planning and
3 Research is a Newark Police division under your command
4 has been preparing this manual?

5 Type A A Yes, sir.

6 in front of the MR. BROWN: Is your National Guard Captain

7 line around Kelly?

8 Seventeenth Ave THE WITNESS: Kelly.

9 rather. By Mr. Robinson:

10 a. are Q Do you have any investigation results of what
11 caused the mob, the group to collect in front of the Fourth
12 Precinct, and at what time Thursday? What can you give us
13 on that?

14 brown A Well, some time in the afternoon around three
15 o'clock all of a sudden some anti-poverty agents appeared on
16 Seventeenth Avenue and they got a number of young Negro boys
17 and gave them a whole bunch of leaflets and asked them to
18 distribute them.

19 and Q Can you give us the names of the people involved?

20 of people A We have not identified them.

21 as a Q Do you have the leaflets?

22 School A We have copies. I did present one before, but I
23 want to present another one.

24 (S) Around five o'clock or four-thirty rather, a civilian
25 car pulled directly opposite the Fourth Precinct. Again

1 people who have been identified as anti-poverty agents
2 walked out with about fifty well-printed placards reading,
3 "Police brutality must stop. Stop the expulsion of 20,000
4 Negroes from the college medical site," things of this
5 type. About this time they began to form a line, a circle
6 in front of the Fourth Precinct. Just almost about the same
7 time around five p.m. a WNEW television crew appeared on
8 Seventeenth Avenue and Livingston Street, or Belmont Avenue
9 rather. They began to set up their equipment and immediately
10 a crowd began to gather. It wasn't a half an hour later
11 that four other TV stations had their camera crews set up
12 their equipment. This attracted a great many people from
13 the Central Ward area. It seems that the TV reporters went
14 around amongst the people gathered there and picked out of
15 the crowd and asked them to say a few words over at the TV
16 mike. ~~as a squad out of the back door because there were so~~
17 ~~many~~ Around seven o'clock at night a large number of news-
18 paper reporters began to gather in front of the Precinct,
19 and then across the street from the Precinct a large group
20 of people began to gather, including one who was identified
21 as a teacher who had been expelled from Weequahic High
22 School dressed in African dress as Ronald Stone. He is the
23 one that was suspended for spitting in the face of a white
24 girl student at Weequahic High. Noticed to be present at
25 this time were Jesse Allen, Derek Winans of the NCUP Area

1 Board Three, James Kennedy of Area Board Two and Melvin
2 Higgins of the NCUP. Benches were turned long end up against

3 About this time after other individuals had tried to
4 speak to the crowd Mr. James Threatt, who was director of
5 the Human Rights Commission of the City of Newark, tried to
6 address the crowd. He tried to mollify them by telling them
7 that we were going to make a Negro police captain and some
8 other things. The reaction amongst the youngsters who were,
9 we know today, being excited and incited by adults in the
10 background was, "Bull shit, we don't want to hear this."

11 Almost immediately rocks began to be thrown and Mr. James
12 Threatt retreated hurriedly into the Fourth Precinct.

13 About this time a little after seven-thirty a barrage
14 of rocks began to hit the Precinct and some bottles hit the
15 Precinct. Around twenty minutes later Inspector Melchior
16 ordered a squad out of the back door because there were so
17 many people in the front and they were throwing rocks, and
18 you know when you don't have any shields and you try to
19 disperse a mob throwing rocks it is a little difficult,
20 especially if you don't want to shoot and kill anybody.
21 The results were that we had to go over to the back door to
22 come on the flank of these people in order to disperse them.
23 It was a disgrace. The windows of the present Fourth
24 Precinct were broken. Benches were turned long end up
25 against the windows in order to protect the policemen inside

1 who had already been injured from rocks being thrown through
2 the windows. Long tables were turned long end up against
3 the windows to ward off the rocks that were being thrown.
4 Policemen were coming into the building injured by rocks
5 and bottles. It was the worst thing that has ever happened
6 to the police department in our city.

7 At one point the mob tried to enter the building and
8 Lieutenant Pellicchia ordered Patrolmen Fanning and Gevers
9 to load the shotguns, the two we had in the Precinct, and
10 to use them if necessary. However, the crowd broke into
11 groups and dispersed. Then from eight-thirty on the police
12 were busy dispersing the crowds in the Reverend Hayes Homes,
13 but they would reform and come back again throwing rocks.

14 I arrived at the Precinct about 7:45 p.m., and at this
15 time the area was being secured so that the police could be
16 deployed for formations. Deputy Chief Redden, who had
17 preceded me, had sent police officers to the rooftops of the
18 surrounding projects to clear them all of rocks and persons
19 who were throwing rocks and Molotov cocktails.

20 About this time we began to get reports of looting
21 around the Central Ward area and we began to send in
22 patrols, aggressive, positive patrols in the area under the
23 command of Captain Charles Zizza who had just returned from
24 vacation.

25 Around twelve-thirty in the morning, the 14th, there

1 appeared to be a lull in the looting and the disorder. It
2 appeared to me at that time that perhaps we had won and
3 that the violence was all over. I wish it was.

4 Shortly after looting began to spread in all areas of
5 the Clinton Hill and the Central ward. About one-thirty in
6 the morning I telephoned Mayor Addonizio. I used the
7 Fourth Precinct as my command post for two days and two
8 nights. I telephoned Mayor Addonizio, who was in my
9 office, and told him what the problem was. I also instructed
10 Deputy Chief Redden to alert Troop B of the Morristown
11 Barracks as per our mutual assistance plan with the State
12 Police. He received a verification from Major Olaff of the
13 State Police Headquarters that they were alerted.

14 Q Stopping there, had you or any top police official
15 believed that the State Police were needed sooner than
16 1:30 a.m. when you told Deputy Chief Redden to alert Troop
17 B?

18 A No. I didn't think we needed them. I thought state
19 help Q Did Deputy Chief Redden report to you that in his
20 belief you should have the State Troopers in sooner?

21 A We had a discussion about it. assistance plan we
22 figur Q What position did he take? conversation with the
23 Mayor A He took the position that perhaps we should have
24 them in then. they would disperse of themselves because of

25 Q About what time? have the problem and we wouldn't

1 need. A: About one-thirty. It didn't happen that way.

2 Q: Before one-thirty did he take the position that
3 you should have the State Troopers in?

4 A: No, not that I recollect.

5 In the meantime hundreds of looters were being arrested.
6 At three o'clock in the morning I directed Deputy Chief
7 Redden to send a teletype message out canceling all
8 vacations and days off and for additional commanders to
9 provide the maximum manpower for immediate duty.

10 Then I had a conversation about this time again, three
11 o'clock in the morning, with Mayor Addonizio and I advised
12 him strongly that he notify the Governor that both the
13 National Guard and the State Police were needed.

14 Q: Did he agree with you at that time?

15 A: At that time he did. Prior to that he did not.

16 Q: Had you earlier advised him that state help was
17 needed?

18 A: Around two-thirty I indicated that I thought state
19 help was necessary, and he asked me over the telephone how
20 long it would take the State Troopers to be mobilized and to
21 appear on the scene. As per our mutual assistance plan we
22 figured it was four hours, and after conversation with the
23 Mayor in which he felt that maybe in four hours the daylight
24 would come and they would disperse of themselves because of
25 the light that we wouldn't have the problem and we wouldn't

1 need the State Police, but it didn't happen that way.
2 felt So he finally did call the Governor himself, and he in
3 turn, the Governor, called the State Police and alerted the
4 National Guard.

5 Q So it is clear, Director, it wasn't until 1:20
6 a.m. that you or any of your top staff believed that outside
7 help was needed, correct?

8 A Yes, that might be needed.

9 Q The Mayor agreed with you at three o'clock as to
10 the National Guard?

11 A And the State Police.

12 Q In that hour and a half lag do you believe that
13 there was far more prejudice toward controlling the riots?

14 A No, I don't think so because the same thing would
15 have resulted. An hour and a half wouldn't have made that
16 kind of difference.

17 Q They simply would have arrived an hour and a half
18 sooner?

19 A The State Police, but the National Guard didn't
20 until much later in the day. It wouldn't have made any
21 difference with the National Guard. An hour and a half
22 wouldn't have made that much difference with the State
23 Police.

24 Q Did the Mayor tell you why he allowed the hour
25 and a half to pass before he called outside help?

1 A I just explained we had a conversation in which he
2 felt in four hours there would be daylight and there would
3 be dispersal of the people who were being involved in the
4 looting and the sniping.

5 Q Then things got worse and he changed his mind?

6 A That's right.

7 MR. BROWN: Suppose you had called them in
8 anything, around nine or ten, do you think that would have
9 backing, been a help to you? We were talking about twelve,
10 Thursday one, two. I am talking about nine or ten.

11 THE WITNESS: We would have contained it a
12 little better than we did, but you couldn't tell

13 A at nine o'clock, absolutely, because I have had
14 that was incidents in the five years that I have been here
15 looted where there is a milling around and some rock
16 is that throwing and pushing and shoving.

17 MR. BROWN: what would you say was the
18 left the critical hour where Monday morning quarterbacks
19 control, realized this?

20 THE WITNESS: This is what burns me up, where
21 being brought you talk to these fellows that tell me where I
22 physical was wrong. The critical hour was one-thirty.

23 Then we knew we couldn't control them any more.

24 Then I knew, and I had to make a sad admission I

25 is to it. couldn't control it. I never thought I would live

1 again, if to see the day, but I did. It is noted, I will look

2 to with your. Around five-thirty in the morning the with

3 the Earl Governor came in with Colonel Kelly and General

4 Cantwell. I met them at the Roseville Armory.

5 By Mr. Robinson: We had a barricade of a damaged

6 water. Q: Stopping there if we might, again in line with

7 our earlier questions, taking blocks of time, is there

8 anything, again in retrospect on Monday morning quarter-

9 backing, that you would do differently today as compared to

10 Thursday evening-early Friday morning events? left on

11 paper. A: A number of things I would have done. about a

12 water. Q: Tell us. sleep in the place.

13 A: One thing that has never been mentioned before or

14 that was ever thought of, I will never, again leave a

15 looted store without filling it with gas. Our big problem

16 is that we had sufficient men out in the street, but we

17 tried to effect arrests and every time we made arrests we

18 left the area or some part of it without any physical

19 control, with the result that when we did arrest the looters

20 and brought them to the Precinct, and there were hundreds

21 being brought in, these areas were left uncontrolled

22 physically. These looters, and there were thousands of

23 them, would walk right in and loot some more, the same

24 stores we thought. You make arrests and that is all there

25 is to it. Today if we ever have anything happen like this

1 again, if there ever is a store that is looted, I will load
2 it with tear gas because I am sure they won't go in with
3 the tear gas.

4 Q How long are the effects of tear gas?

5 A It all depends. We had a barricade of a deranged
6 veteran in Lincoln Street in 1962 which I had charge of.

7 We gassed the building. The effects of the gas were
8 extremely strong for five days. You couldn't go in there.

9 People couldn't go in there. They had to take all the
10 clothing out to the dry cleaners and some they left on

11 ropes for days on end. They later told me for about a
12 month nobody could sleep in the place.

13 MR. BROWN: It depends on the weather, too.

14 THE WITNESS: This is a closed building.

15 in it. That's right. If it is cold and there is a wind
16 blowing, yes.

17 By Mr. Robinson:

18 Q What other police steps would you handle dif-
19 ferently today?

20 A I would take more direct action.

21 Q Could you expand on that, please?

22 A I would take physical action.

23 Q You would order fire sooner?

24 A I don't want anybody shot for looting. I don't

25 believe in a lot of things that some of these people are

1 saying about shooting a looter. I don't think it is worth
2 the life of an individual to kill him for stealing something
3 that later on you feel sorry about that you even arrested
4 him for sometimes like arresting someone -- the only
5 Puerto Rican I saw being arrested, for example. I evolved
6 a process by which when arrests were made for looting or
7 anything else because of the difficulty in prosecution, to
8 have the arresting officer bring in the prisoner along with
9 whatever loot he had stolen. Much to my surprise I saw
10 this one Puerto Rican was being photographed with two
11 policemen. He had a box in his hands and it looked like
12 some peculiar objects in the box. I asked what is it that
13 he stole. This character stole electric light bulbs. Would
14 you shoot a man for something like this? I don't believe
15 in it. you can't imagine or believe what you saw.

16 I would take more physical action, if necessary, even
17 to assault somebody to keep him away from an area even if
18 you don't make an arrest. I know it is illegal, but I
19 would take that kind of action, but I wouldn't want to have
20 my men shoot because of some intrinsic article that a man
21 stole. thousands of people walking in and out of stores

22 MR. BROWN: Just scanning the manual, don't
23 you think if you use some of the more conventional
24 tactics plus whatever you feel appropriate to the
25 new street disturbances that you don't even need

1 your assault, provided you take a positive and
2 immediate action?

3 THE WITNESS: This is true.

4 MR. BROWN: Assault may be incidental in the
5 sense of bodily contact. You don't mean the
6 cattle type prod of assault?

7 THE WITNESS: No.

8 MR. BROWN: You mean just in the manual your
9 standard maneuver or a squad?

10 THE WITNESS: And even if necessary use the
11 butt end of a gun or the tip of your rifle on a
12 person to make him move and get out of there. But
13 the problem on Springfield Avenue, for example,
14 all through the Third Ward, if you didn't see it,
15 you can't imagine or believe what you saw. I
16 took the Governor at six-thirty in the morning for
17 a tour of the riot areas along with General
18 Cantwell and Colonel Kelly and Mayor Addonizio.
19 I know they were shocked. I am sure they were
20 pretty frightened by some of the things they saw -
21 thousands of people walking in and out of stores
22 waiting in line to loot because there were too
23 many inside. When we got to the scene where you
24 saw two or three people walking in, you got
25 inside to try to chase them out and you found that

1 the store was completely mobbed with children and
2 grown people. Like one store on Spruce Street, a
3 shoe store, I thought there were seven or eight
4 people and I knew this was a small store because
5 I had worked in this area for twenty years. Much
6 to my amazement when they started pouring out
7 there were at least 100 people in that store.

8 MR. BROWN: I saw some of it, too. Why
9 should you be amazed? They knew people wanted
10 things.

11 THE WITNESS: Mr. Brown, this is not true.
12 We know people that were looting who are affluent,
13 people who had good jobs.

14 MR. BROWN: You don't have that many affluent
15 people in the area, do you?

16 THE WITNESS: They came from outside of the
17 area, Mr. Brown.

18 MR. BROWN: Why should they be shocked at
19 the acquisition, the greed of people?

20 THE WITNESS: Because I didn't believe people
21 were like that. I don't believe so many people
22 could be like that.

23 MR. BROWN: I saw some of it. I wasn't sur-
24 prised at all. I saw people go in and take.

25 THE WITNESS: You didn't see what I saw,

1 I had know thousands of people. It wasn't only the three per-
2 was going cent Governor Hughes is talking about. There were
3 there or a heck of a lot more people than three percent.

4 distribute the MR. BROWN: You saw them on Friday, but I
5 in front of couldn't understand why they should have been so
6 where there shocked and so dazed at conditions which indicated
7 myself. property desire as opposed to physical reaction.

8 Precinct that THE WITNESS: At the sake of losing your
9 information life or being imprisoned? situation which

10 presented itself MR. BROWN: I suppose that is one way to

11 I fully look at it. I don't think anybody was thinking
12 distributed about losing their lives. would not have happened

13 that day. It THE WITNESS: I guess nobody thinks about it,
14 would not have happened that day. I am fully convinced,

15 and I blame By Mr. Robinson: heard me for the distribution of

16 these Q what other change in police procedures would you
17 put into effect today in similar situations? these police

18 acting as well, we plan to be fully trained, have all the
19 necessary equipment that we need and the kind of equipment
20 that is necessary for this kind of technique.

21 Q Do you think today, given the same circumstances,
22 now that you are better prepared and better equipped and
23 better prepared psychologically that under a like situation
24 of Thursday morning you would need outside help? these people

25 who are A I really couldn't say. I know one thing: that if

1 I had known the afternoon of the 13th that Area Board Two
2 was going to print those circulars, I would have been out
3 there or arrested them or harassed them so they wouldn't
4 distribute them. I would not permit a crowd to congregate
5 in front of the Fourth Precinct. Again this is a case of
6 where there was no intelligence between the Precinct and
7 myself. It probably was the feeling of the people in the
8 Precinct that they didn't need to convey and communicate
9 information, and this was the sorry situation which
10 presented itself.

11 I fully believe if those damned circulars had not been
12 distributed that today the riot would not have happened
13 that day. It might have happened some other day, but it
14 would not have happened that day. I am fully convinced,
15 and I blame UCC and Area Board Two for the distribution of
16 those circulars.

17 Q Suppose there had been almost immediate police
18 action as the pickets began early Thursday evening in front
19 of the Fourth Precinct. Would that in your opinion have
20 prevented the riot at that time?

21 A I think so.

22 Q When was the first police action?

23 A We permitted too much time to elapse, too much
24 time for communication among the dissidents and those people
25 who were criminally minded, too much time for organization

1 to consolidate. Preliminary I think even you will understand

2 Q What time was the first police action Thursday
3 night at the Fourth? You think I am too stupid?

4 A I think around eight-thirty. That's all.

5 MR. BROWN: Isn't it a fact that you had
6 really been apprehensive about this kind of action
7 for three years? There was an explosion on your

8 part THE WITNESS: Four years. I know because of

9 MR. BROWN: So in depth you felt that there
10 were underlying conditions and underlying reactions
11 which would have made possible such a violent per-
12 formance? Do you disagree that the basic

13 THE WITNESS: I always knew this. I know

14 MR. BROWN: So are you saying that it was
15 Area Board Two circulars that sparked it on this
16 day where it might have been something else that
17 would have sparked it on any other given day? Yes,

18 THE WITNESS: Yes, sir. From just what I

19 MR. BROWN: How far-reaching do you think the
20 Area Board action was in terms of stimulating the
21 activity in front of the Fourth Precinct?

22 THE WITNESS: It produced the tension and
23 climate and the people to spark the explosion which
24 occurred. If there hadn't been those circulars
25 people would not have congregated in front of the

1 Fourth Precinct. I think even you will understand
2 that.

3 MR. BROWN: You think I am too stupid?

4 THE WITNESS: I don't mean that.

5 MR. BROWN: How do you mean that?

6 THE WITNESS: From the line of questioning
7 you were making there was an assumption on your
8 part that these things just happened because of
9 deep lying convictions and this thing shouldn't
10 have happened and wouldn't have happened if the
11 Area Board hadn't printed those circulars.

12 MR. BROWN: Do you disagree that the basic
13 reaction was because of deep-rooted conditions
14 and feelings?

15 THE WITNESS: Oh, yes, I believe that.

16 MR. BROWN: I don't understand where we dis-
17 agree. I do have this caveat: that the circulars
18 themselves don't appear to me from just what I
19 have heard to have been the producing cause,
20 although they may well have been the focal point
21 of it.

22 THE WITNESS: They weren't really the cause.
23 I explained that a number of times. The thing is
24 that it produced the people and an incident hap-
25 pened the night before. There was this feeling of

1 hostility. There was this area of tension, plus
2 the fact that people had been alerted in these
3 areas, who wanted this condition to occur, and
4 because of this circular the thing happened the
5 day it did.

6 MR. BROWN: I am in no position to debate it.
7 My questions weren't designed for that purpose.

8 THE WITNESS: One never really knows, but
9 this was my feeling.

10 MR. BROWN: Tell me this, to extend the per-
11 sonal reaction a bit: Is it your feeling, for
12 example, that most people don't accept this idea,
13 for example, as the Commission sits that perhaps
14 some of us don't credit what you are telling us
15 and don't feel this is a tenable position?

16 THE WITNESS: I am sure Lofton doesn't feel
17 the way you do, and I know he doesn't feel the
18 same way I do about some of the reasons that this
19 thing occurred. I know that he has opinions which
20 are directly in opposition to some of the feelings
21 that I have and opinions that I have concerning
22 this community.

23 MR. BROWN: You show obviously great courage
24 in debate and a real deep interest in all of this.
25 Do you feel there is a substantial body of the

1 community that understands your position and
2 reacts in a manner that would suggest to you that
3 perhaps you are thinking in the same line, or do
4 you feel that you really represent a rather dedi-
5 cated minority opposition on this? group never

6 THE WITNESS: The latter. some people

7 MR. BROWN: And that applies to your poli-
8 tical colleagues, to people like the commissioners
9 and to the general community? Would that be true?

10 THE WITNESS: No, not true in that sense. In
11 certain areas I don't think they believe me.

12 MR. BROWN: Which areas would you consider
13 these to be? I don't have him. I don't

14 THE WITNESS: The areas that Mr. Lofton is
15 in. looks at me he gives me the dirtiest looks,

16 MR. BROWN: The UCC, the Legal Services
17 Project? sign, "Fire Spina now" and "Get rid of

18 THE WITNESS: The Anti-Poverty Agency, NCUP,
19 Willy Wright, although I am beginning to have a
20 little rapport with him. have any people whom you

21 MR. BROWN: But you say you seem to have a
22 rapport with all of these people even though you
23 disagree. don't think you have expressed personal

24 THE WITNESS: I can sit down in the same room.
25 Not with all of them; some don't want to sit down

1 with me. I will give you an illustration. All
2 the time I have had the citizens' orientation
3 observation program and the extension of it where
4 people were permitted to come into our police
5 buildings, certain segments of this group never
6 would participate. For example, CORE people
7 never once participated in the citizens' obser-
8 vation program. They refused to have anything to
9 do with it. I have had nothing but antagonism
10 from people like Curvin, who has a decided dislike
11 for me.

12 of MR. BROWN: You mean a personal feeling?

13 THE WITNESS: I don't hate him. I don't
14 hate anybody, but he seems to hate me. Every time
15 he looks at me he gives me the dirtiest looks,
16 and he is the guy that goes around with these
17 picket signs, "Fire Spina now" and "Get rid of
18 Spina" and things like that. Maybe it would have
19 been a good thing two years ago.

20 MR. BROWN: Do you have any people whom you
21 feel have this personal antagonism? I note you
22 don't express it about many people. Curvin you
23 have. I don't think you have expressed personal
24 antagonism.

25 THE WITNESS: There is a certain number of

1 people that don't like me. never talked to me. He
2 MR. BROWN: I am talking about normal police
3 work and your personality included because you
4 have never run for popularity contests. You
5 sometimes are direct and perhaps you could be
6 considered less than tactful. I don't know. I
7 am not making that judgment, but that is the
8 kind of a job you have. Other than that, things
9 that flow from your job, do you feel you have any
10 other strong personality differences that may
11 contribute to a lack of cooperation on the part
12 of other citizens? I would talk with Timothy

13 THE WITNESS: I feel, for example, that the
14 NCUP people and certain Area Boards would never
15 cooperate with me in any way. I think they would
16 look at me with suspicion. I don't know about
17 Mr. Lofton. I hope he doesn't feel that way. I
18 don't feel that way about him. Some of the people
19 in Willy Wright's group, Willy Wright himself, I
20 have had several meaningful conversations with
21 him lately. I think that I could talk with him.
22 A man like Derek Winans you would waste your time
23 on. The same thing with Hayden. Carroll Glassman.

24 MR. BROWN: Do you have the personality
25 sparks with Hayden? cooperated with me.

1 THE WITNESS: He has never talked to me. He
2 avoids me.

3 MR. BROWN: I thought of you when I saw his
4 picture Sunday. Did you see it?

5 THE WITNESS: Yes, sir, I did.

6 MR. BROWN: I don't think that is a
7 digression; I think it goes into your daily
8 problems.

9 Do you have any whom you think of opposite
10 thought but with whom you can communicate? You
11 have named Wright and Ollie Lofton.

12 THE WITNESS: I would talk with Timothy
13 Still without any problems. Alen Trent, I can
14 talk with him. I have no problems with him.

15 MR. BROWN: These people are literally those
16 who disagree with you, but you can get through to
17 them?

18 THE WITNESS: Yes.

19 MR. BROWN: This is in a sense the kind of
20 an ideal situation you would like so even if they
21 differ, you would like to be able to communicate
22 with them. Is there a Bishop Jones who has coop-
23 erated with the department?

24 THE WITNESS: We have had a number of
25 ministers who have cooperated with us.

1 MR. BROWN: Metropolitan Baptists?

2 THE WITNESS: Johnson, a very wonderful man.

3 MR. BROWN: But he doesn't have much contact
4 with the others. He would be more like a man
5 who agreed with me.

6 Q THE WITNESS: Johnson is the old fashioned
7 kind of a minister with old fashioned concepts
8 and philosophies who doesn't quite understand,
9 even though he is a Negro, what is going on in
10 the Central ward. I dearly love the man.

11 A MR. BROWN: He is out of time.

12 THE WITNESS: Yes, he is. He has the greatest
13 congregation of any Baptist church practically in
14 the state, Negro. I think he is a real wonderful
15 man, but he can't seem to understand, and he
16 feels frustrated when he talks to some of these
17 other people who are steeped in this problem
18 that we are having.

19 MR. BROWN: People like Reverend Johnson,
20 while they might agree with you, are the people
21 with whom you can communicate, but they are not
22 very effective in this sort of situation?

23 THE WITNESS: No. I like to have them
24 alongside of me. Somebody is going to approve of
25 something I want to do.

1 MR. BROWN: That is heartening, but it isn't
2 much good in the battle.

3 THE WITNESS: I agree. Reverend Johnson
4 won't like that if he reads that.

5 By Mr. Robinson: the hell they even asked me.

6 Q Was there a new general order or directive from
7 you or any of your staff to the men on the streets, "Don't
8 fire or only fire under certain circumstances"?

9 A No. That has grown to be a myth.

10 Q Tell us the facts on that.

11 A This has grown to be a myth and everybody repeats
12 it and they say the Mayor tied my hands and things of this
13 nature.

14 right MR. BROWN: There is also a wild rumor that
15 nobody ties your hands.

16 THE WITNESS: In this specific instance they
17 do say this. They say that Mayor Addonizio
18 ordered me to tell the men not to shoot. Actually
19 I don't know where anybody ever got the idea that
20 they couldn't shoot their guns. I was quite
21 mystified. I heard a lot of shooting going on

22 because I was in the area, and I didn't see any

23 of our men shooting back. Then around six or

24 seven hours after a lot of this firing was going

25 on some of the superior officers were coming to me

and saying to me, "Do you think it is okay to shoot? When are we supposed to shoot?"

The first couple of days that they asked me the question I didn't pay any attention to them and wondered why the hell they even asked me. Finally I said to somebody, and I don't remember his rank, "what do you mean, you need orders to shoot?" He said to me, "well, we understand that the Mayor gave an order that nobody is supposed to shoot." I said, "who gave you that idea?" He says, "I don't know, but everybody in the department feels this way about it." So I said, "This is ridiculous. If you are being shot at, you have a right to shoot back."

It was at this time, this is where the press and TV were monitoring our radio and heard it and put it in their communications, that I got on the air and I said, "If you have a gun, whether it is a shoulder weapon or whether it is a hand gun, use it. Don't forget to use your hand gun or your shoulder weapon if you have occasion to use it."

By Mr. Robinson:

Q This was what time?

A Some time during the night. Maybe midnight.

Q One MR. BROWN: Were there ever any instructions

1 I believe as to the point at which an officer would be
 2 right and justified in using his weapon? There is case
 3 reason for law and custom with respect to this.

4 A That THE WITNESS: We have a training bulletin

5 Q we have issued last year after the Martin issue

6 A which in a sense and to some degree limits the

7 Q police officer in using his weapon. We tell him

8 the chain in effect because of the case laws which have

9 of the fact been decided in the past few years that you do

10 would you not use your weapon unless you are absolutely sure,

11 A not that you have reasonable or probable cause

12 the discuss that a high misdemeanor has been committed, but

13 declared, you are absolutely sure it has been committed.

14 martial law MR. BROWN: And you designate a high mis-

15 that he didemeanor? to arrest a lot of people and not have

16 the process THE WITNESS: Right. We have a long training

17 processed bulletin on it because we try to restrict the

18 would be firing of weapons by our police officers. This

19 he expressis done on a voluntary basis.

20 Then he MR. BROWN: So when you gave them a direction

21 had that about the guns, you meant in accordance with your

22 martial departmental regulations? tion, and I don't know

23 whether any of THE WITNESS: Right. tion. Do you have it

24 here? By Mr. Robinson:

25 Q One question getting back to the very few arrests.

1 I believe you said there were only a half a dozen Wednesday
2 night and Thursday morning. Was there any special police
3 reason for that, or is it just there was no --

4 A That was all we could catch. (Inaudible)

5 Q But there was no directive out? (Inaudible) Director.

6 A No. (Inaudible) further data.

7 Q After the Governor arrived what was the procedure,
8 the chain of command, what problems did you as the Director
9 of the local police have, what successes, what failures?
10 Would you give us your comments on that? (Inaudible) New Jersey, the

11 A We immediately had a conference at the armory and
12 the discussion first was whether martial law was to be
13 declared, and it was the opinion of the Governor that no
14 martial law should be declared. The Governor's reason was
15 that he did not want to arrest a lot of people and not have
16 due process immediately so that the prisoners could be
17 processed and be heard. Under martial law they probably
18 would be kept for a long time. This is the one area that
19 he expressed himself.

20 Then he also felt that he didn't think it was that
21 bad that it could not be controlled without the use of
22 martial law. So he issued a proclamation, and I don't know
23 whether any of you have the proclamation. Do you have it
24 here?

5 MR. ROBINSON: Off the record.

1 (Discussion off the record.)

2 THE WITNESS: We have a copy of the pro-
3 clamation we will be glad to give you.

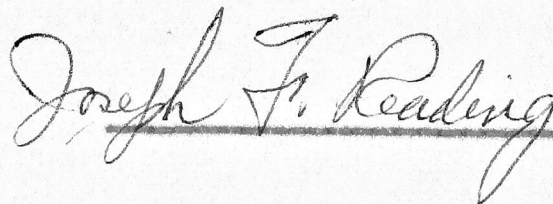
4 (EXHIBIT NO. C 58 WAS RECEIVED IN EVIDENCE.)

5 MR. BROWN: Thank you for coming, Director.
6 We will now recess until a further date.

7 - - -

8 C E R T I F I C A T E

9 I, JOSEPH F. READING, a Certified Shorthand Reporter
10 and Notary Public in and for the State of New Jersey, do
11 hereby certify that the foregoing is an accurate transcript
12 of my stenographic notes to the best of my ability.

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November 29, 1967

