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and this has all been substantiated-- they must buy, if they want to cash a \$200 check they must buy \$18 worth of black tokens which can only be used at that store.

Well, This is not a practice of the suburban stores.

Also they must have their picture taken when they cash a check in the ghetto area and they attempted to put this in force at the suburban stores and the community said we will not permit it and they stopped it after one or two days in effect.

So this was some of the conditions that existed here in the city, also along with the Board of Education situation.

MR. DRISCOLL: I think you have been very helpful. We have other witnesses that are waiting.

Well, We appreciate very much your coming.

* * *

ALFRED HENDERSON, Sworn.
EXAMINATION
BY MR. FORTUNATO:

Q: Your address, Mr. Henderson?

1 A 701 Clinton Avenue.

2 Q Do you operate a business at that address?

3 A Yes, I do.

4 Q How long have you so operated that business?

5 A Well, I have just about completed my second
6 year at that address.

7 Q Have you been a resident of Newark for a long
8 time?

9 A Well, I am 54 now and I came here when I was
10 about 4 years old so it's about 50 years.

11 Q What is the nature of this business?

12 A I am a photographer.

13 Q My understanding is that you have an incident
14 to relate to us which occurred during the disorder in
15 July of this year and I would appreciate it if you could
16 relate that to us and, if you can, be as specific as you
17 can as to the date and the time of day.

18 Maybe I can orient you a little bit.

19 A Well, I don't remember the date. That's the
20 only thing I don't remember.

21 Q Do you remember the day of the week it was?

22 A I'm quite sure or I think it was on a Saturday,
23 either a Friday night or Saturday morning. Well, it was
24 either early Saturday night or Sunday morning.

25 As I recall, I think it was on Saturday morning.

1 I am not positive of that. It was after 2 o'clock,
2 between 2 and 3 o'clock in the morning, early morning.
3 Report I am not sure whether it was Saturday or Sunday.
4 It was a date that I gave on my original testimony
5 there and I don't remember the date.

6 Q Your original testimony referred to is that
7 you gave an affidavit at one point to the Legal Services
8 Project of Newark?

9 A That's right.

10 Q That affidavit says that on Sunday, July 16,
11 at about 1 a.m.

12 Negro A Well, it was a Sunday morning, not Saturday
13 morning then.

14 Q All right. Now can you tell us what you heard
15 or saw?

16 Negro A Yes. Well, approximately 12 o'clock or there-
17 abouts we heard quite a number of pistol shots and they
18 sounded as though they were in the neighborhood of 4 to
19 6 blocks away, quite a ways down the avenue.

20 A This continued for about an hour and a half or
21 two hours almost. Every time a shot would go off my
22 wife would just cringe because she felt as though that
23 they were shooting at people but by the number of shots
24 we heard we said, well, my God, the next day the people
25 would be lined up from gutter to gutter if they were

1 shooting at people.

2 color. We had no idea that the State Troopers, the Police
3 Department and-- well, what other agency was here?

4 Oh, the National Guard-- were shooting up the Negro
5 businesses.

6 Q How do you know this?

7 A Well, because they shot up mine.

8 Q What did you see?

9 A How do I know that they shot up mine?

10 Q Yes. What did you see that evening?

11 A All right. They weren't only shooting up
12 Negro businesses. They were shooting up any business
13 that had "Soul Brother" on it.

14 When the riot started a day or two before, the
15 merchants put "Soul Brother" on the window or Negro
16 merchants put "Soul Brother" on the windows trying to
17 escape the looting that was done.

18 Q Did you put it on?

19 A Yes, I put "Soul Brother" on my window too.
20 A number of other merchants that were white put "Soul
21 Brother" on the windows too, getting in on the act and
22 I don't blame them.

23 The law enforcement bodies-- I don't know who shot
24 up their places but I know the law enforcement bodies
25 did it. I know that. They shot up all of them that had

1 "Soul Brother" on there, whether they were white or
2 colored. I saw this car...
3 my bla As long as they had "Soul Brother" on them they got
4 shot up. ... they got to my business.

5 I'll tell you what I saw happen though. As I said,
6 we heard all these shots for an hour and a half or two
7 hours before and then I heard the shots coming closer,
8 as though it was a block or two away. ... car with
9 detect So I said to my wife "My God, they are coming up
10 this way. They can't be chasing anybody because the shots
11 are coming too slowly. If they were chasing anyone they
12 wouldn't be down there where I would hear so many shots
13 for such a length of time."

14 I said "What is all this about?" ... that they were

15 detect A few minutes later my wife tried to pull me away
16 from the window but my house is a stucco house, hollow
17 tile construction, masonry constructed house, and I
18 figured that I was pretty well protected. ... father

19 then I didn't realize now about these bullets that go
20 through practically anything and I didn't know about that
21 then. ... of the neighborhood that was coming in shooting
22 up the I went to the window. See, my studio is on the
23 first floor. That's the reason for me buying the house,
24 to put my studio in the house. ... then I was doing what

25 they I was one of the few business people that live

1 upstairs over their business.

2 So I saw this caravan coming up the street. In
3 my block there isn't any businesses for a block and a
4 half before they get to my business.

5 All the rest of them is residential. They were
6 shooting up the stores two blocks away where I heard
7 them coming closer, the same caravan.

8 Then I saw first it was a black unmarked car with
9 detectives in shirt sleeves. There were at least four
10 men in the car and there could have been five, I don't
11 know, but the front seat and back seat were full of men.

12 Q What led you to believe that the men were
13 detectives?

14 A This is what led me to believe that they were
15 detectives, because they were with the caravan, they
16 were riding slowly right behind one another.

17 Now if they were anyone else that shop up my
18 place and the State Troopers was behind them, behind
19 them with two trucks of the National Guard and they were
20 riding slowly and if these men were people that were
21 from out of the neighborhood that was coming in shooting
22 up the place or any outside body that wasn't a law
23 enforcement body, I know that these law enforcers that
24 were right behind them would stop them from doing what
25 they were doing.

1 Q How many cars were in the caravan?

2 A I mean they should have stopped them.

3 Q How many cars were in the caravan? We have
4 the unmarked car, right?

5 A Yes. I have the unmarked car and next to that
6 was the State Troopers, then there were two trucks of
7 National Guard.

8 Now I could have said it differently when I gave
9 my statement but the whole fact was about the number of
10 cars, there was a caravan of at least 4 or 5 cars.

11 I saw a detective, a white detective, lean out of
12 the back seat of the car and shoot towards my house.

13 I still didn't know what he was doing. I just
14 thought that-- well, I had no idea that they were shooting
15 up the businesses.

16 In the morning I came down and I saw that my plate
17 glass was broken.

18 Q Did you report this incident to anyone?

19 A Who could I report it to?

20 MR. DRISCOLL: The question was, did
21 you report it to anyone?

22 THE WITNESS: If you were a colored man
23 you would say there is no one you could report
24 it to.
25 and I Who could I go to, Governor? Could I go

1 down to the Police Department and tell them
2 at the height of all this, telling them that
3 the policemen shot up my place?

4 Q No. After the incident did you report it to
5 anyone?

6 MR. DRISCOLL: I understand your posi-
7 tion and you have given an answer and an
8 explanation.

9 MR. LEUCHTER: Is this the first group
10 to whom you reported this or did you get it to
11 Legal Services one way or another?

12 THE WITNESS: Well, let me see how it
13 was.

14 I think there was an agency, the same
15 agency that collected my testimonial, if you
16 call it that, came by and asked me.

17 I didn't never report it to anyone.

18 A couple of the other businessmen in
19 the community said "Well, we are going to get
20 together and do something about this."

21 They wanted to write to the President,
22 this one and that one.

23 Gentlemen, we all know that these men,
24 the National Guard had shot up their places
25 and I have other friends of mine who saw that

they did it but let me say something else.

The National Guard and all these other people, these people that actually did the act didn't do this sort of thing without the sanction of their superior officers.

This is the Army. Nobody in the Army takes any action of this nature like that.

With all of these caravans there is a superior officer and they don't do this type of thing without the sanction of the superior officer and the superior officer wouldn't let this thing happen without the sanction of his superior officer.

Who could I go to?

BISHOP TAYLOR: Do you know names of persons?

Can you identify persons who shot up your business?

THE WITNESS: Listen, sir, I am on the second floor and they are shooting at me. Someone said "Well, did you get the license plates?"

Who in the world could think about getting the license plates of someone shooting at you or the names of someone?

1 No. I am on the second floor of my
2 house. I saw a man drive along and shoot
3 out of the window.

4 Now especially with all this other
5 shooting that was going on, getting names or
6 license numbers, how could I do that?

7 BISHOP TAYLOR: Could you identify any
8 of them as to whether they were State Police,
9 National Guard or anyone else?

10 THE WITNESS: Well, I know it was the
11 men riding in a black unmarked car in shirt
12 sleeves.

13 All the other ones, State Police and
14 other men, were in uniforms and the National
15 Guard were in uniforms.

16 These men were not in uniforms.

17 MR. LEUCHTER: The men that did the
18 shooting were not in uniforms?

19 THE WITNESS: That's right.

20 MR. DRISCOLL: Mr. Henderson, you have
21 had your studio repaired?

22 THE WITNESS: Yes.

23 MR. DRISCOLL: You are back in business?

24 THE WITNESS: Yes.

25 MR. DRISCOLL: This Commission is making

1 a sincere effort and devoting a lot of time
2 to trying to find what we can do to prevent
3 a repetition of the unfortunate incidents
4 of last summer.

5 Have you any recommendations that you
6 would like to make of something that would
7 help ease the tensions that apparently still
8 exist and restore a greater degree of coopera-
9 tion and confidence among the various groups?

10 THE WITNESS: Governor, you have asked
11 the question that everyone asks.

12 I am no exceptional person like the
13 rest of them.

14 Who has this sort of answer?

15 We all know, sir, that if the white man
16 had let the Negro be a man, and even today
17 they won't let us be a man and the women are
18 more men than what we are.

19 You ask what can you do?

20 Just treat a Negro like a man. It is so
21 easy but the white man will not stand for a
22 black man being a man.

23 He's got to be a boy. What can they do?

24 I bought a house and I was clean with all my
25 bills and everything and I didn't buy any

1 furniture because I didn't even want the
2 bank know that I wanted to put \$1,500
3 financing, so when I would go into the bank
4 I could say to the bank I'm clean, I don't
5 owe anybody anything because they would say
6 "Henderson, we can't lend you the money
7 because of this and that."

8 I wanted to borrow \$10,000 to put an
9 addition onto my house and put my business
10 into my house.

11 I was with a bank for 14 years. They
12 turned me down. Five banks in Newark
13 turned me down, not on any reason because of
14 my ability to pay or my financial condition
15 or my business but just because my face was
16 black.

17 The Howard Bank, who had my original
18 mortgage for only \$15,000 on the house, I
19 bought the house right and I bought a house
20 that was worth about \$28,000 and I only
21 paid \$19,000 for it because the doctor wanted
22 to retire and he sold me the house for its
23 valuation, so all these things go into it.
24 A bank who finally lent me the money,
25 they didn't do me any favor. They said

1 "Henderson, we can give you the \$15,000
2 to pay off Howard, we will give you \$12,000
3 more or \$13,000" and your mortgage is \$28,000.

4 "After you put this addition onto your
5 house your house will be worth \$48,000. You
6 are only asking for about 60 percent of your
7 mortgage.

8 "We will do this all day long."

9 They treated me like a man.

10 MR. LEUCHTER: Is that a Newark bank?

11 THE WITNESS: No, it wasn't. It was
12 the Second National in Orange.

13 BISHOP TAYLOR: Has this been since the
14 riot or before?

15 THE WITNESS: No. This was way before
16 the riot. Since the riot and before the riot
17 you are still a boy.

18 MR. LEUCHTER: I think we understand
19 your point.

20 I would like to ask you if you are a
21 landlord.

22 THE WITNESS: I am a landlord, yes.

23 MR. LEUCHTER: Do you have tenants that
24 live in your building?

25 THE WITNESS: Yes.

1 MR. LEUCHTER: Apartments, residential
2 tenants?

3 THE WITNESS: Apartments.

4 MR. LEUCHTER: Can you describe one of
5 the apartments in terms of size, any one of the
6 apartments?

7 THE WITNESS: Yes. I have an apartment,
8 my third floor, they call it an executive
9 apartment. It is actually a 3-room apartment
10 and I have another 3-room apartment on the
11 first floor that was the doctor's office.

12 MR. LEUCHTER: What do you have to
13 charge for those?

14 THE WITNESS: The apartment on the third
15 floor I rent it out for \$95 as a friend of
16 the family. The same type of accommodations
17 people are charging \$125, \$130 and sometimes
18 more than that. It's a nice apartment.

19 The one on the first floor I rent for
20 \$95 and the fellows that have it are very
21 happy with it because it is the nicest thing
22 that they could get for the money.

23 There are other friends of mine who
24 charge more than that because they have to
25 charge more than that, because, look, we buy

1 the house that we can, that are all torn
2 down and we have to fix them up and everything
3 and we have to charge that.

4 The average white person who has a room
5 pay \$6 and \$7 for a room.

6 It isn't heard of for a Negro to pay
7 \$6 or \$7 for a furnished room. It is common
8 for white people to pay that amount of money.

9 MR. LEUCHTER: What I was trying to
10 arrive at was the pressure on the landlord in
11 Newark, to what extent can rates be any
12 lower than they are now?

13 I am trying to find out whether or not
14 what we have is a racial exploitation thing
15 in terms of property but whether the taxes in
16 Newark are such that the landlord, regardless
17 of his race, is put in some kind of a financial
18 bind.

19 (Discussion off the record.)

20 MR. DRISCOLL: Thank you very much, Mr.
21 Henderson.

22 We have some other witnesses. We appre-
23 ciate your coming.

24 THE WITNESS: I wish that I had a better
25 solution to give you, sir, than just to say

1 Sales Co. let a black man be a man but if you will do
2 that it will be better for all of us.

3 Q BY MR. DRISCOLL: As far as this Commission
4 which occurs is concerned we are all in favor of that.

5 time of the disaster is * * *

6
7 NANCY FERGUSON, Sworn.

8 EXAMINATION

9 BY MR. FORTUNATO:

10 Q Your address, please?

11 A 27 Greenwood Avenue, East Orange.

12 Q That is your residence?

13 A That's right.

14 Q Do you operate a place of business in Newark?

15 A Yes.

16 Q Where is that located?

17 A 997 Bergen Street in Newark.

18 Q What is the nature of the business?

19 A Retail furniture and appliance store.

20 Q How long have you operated that business?

21 A Approximately a year.

22 Q Did you operate another business in Newark
23 before that?

24 A No.

25 Q Is the name of that business in Newark Nancy's