

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

1 Sales Co.?

2 A Yes.

3 Q My understanding is that you have an incident
4 which occurred to you or your place of business during the
5 time of the disorder in July in Newark?

6 A Yes.

7 Q Can you relate that incident to us and be as
8 specific as you can or approximately so in terms of the
9 date and time when it occurred?

10 A I will try. What would you like to know?

11 Q Well, you tell me. Let me orient you a little
12 bit. Wednesday night was the night the cab driver was
13 arrested, July 12, and Thursday night was the gathering
14 at the Fourth Precinct, Thursday, July 13.

15 Now did there come a time when you were in your
16 place of business and had a meeting with law enforcement
17 officials?

18 A Right.

19 Q Tell us about that.

20 A That was late Saturday or early Sunday morning.
21 I guess you would say early Sunday morning.

22 Q How early Sunday morning?

23 A 2 or 3 o'clock in the morning.

24 Q Where were you at the time?

25 A In my store.

1 Q Did you stay in your store during the entire
2 time of the riot?

3 A That's right.

4 Q Now what happened at that time?

5 A It had been very, very quiet outside. Nobody
6 was on the street, nothing, very, very quiet.

7 In fact, it was even raining. I heard shots. I
8 opened the door and looked out to see what the trouble
9 was. A few blocks away I could see a police car and
10 police on foot coming down the street.

11 So I stayed outside watching to see what was
12 happening. As they approached-- I'm on the corner and
13 as they approached the street that is also there on the
14 corner, Sheppard Avenue, there is a pet shop across the
15 street and I saw them take their guns and shoot through
16 the windows of the pet store.

17 Q Do you know who owns that pet shop?

18 A Yes.

19 Q Is it Mr. Weeks?

20 A No. Mr. Pitz.

21 Q You observed what?

22 A I saw them shoot the windows. I didn't know
23 what they were shooting at. I just saw them shooting
24 through the store.

25 I knew there was no one in there because I had seen

1 him and he had left earlier.

2 Q Are there street lights on that corner?

3 A Yes.

4 Q Can you identify more what sort of dress these
5 people had on that they were shooting?

6 A Ordinary police uniforms.

7 Q What do you mean?

8 A The ones that I had seen since the police
9 had arrived in the city.

10 Q Were they identified by color?

11 A Maybe but I can't remember now.

12 Q Did you notice any other distinct character-
13 istic to the uniform?

14 A A regular uniform.

15 Q Well, did it have a stripe, for example, do
16 you know?

17 A I don't know.

18 Q Were they wearing anything on their heads?

19 A No.

20 Q Not helmets?

21 A To me everything you put on your head is a
22 hat.

23 Q I am just trying to make the testimony as
24 detailed as possible.

25 Now would you please continue as to what you observed.

1 A All right. The car continued to drive. The
2 policemen on foot continued to walk. They came across,
3 I believe it was 3 of them on foot, maybe 4, and one of
4 the policemen said to me "What are you doing out here?
5 Do you know that there is a curfew in effect?"

6 I said "Yes, I know but I heard a noise and I am
7 here to see what is going on."

8 Another one said "You know, you have no right to
9 be here."

10 I said "This is my store and I am here for that
11 reason."

12 So he said "Get back inside."

13 So I said "Why?"

14 Many words continued. We exchanged a lot of words.
15 We were yelling and screaming at each other because I
16 was very mad.

17 Of course, it was raining and I was getting wet.
18 As the conversation continue one of them finally said
19 "Step aside" and I said "I'm not going anywhere" and they
20 said "We will kill you."

21 I said, "Well, I am here to die."

22 They walked toward the corner of my store because my
23 door is like a post, and they started shooting. They
24 shot through the windows. The bullets pierced the
25 furniture and went in the walls, et cetera.

1 every I was still arguing. During the course of the
2 argument one of the policemen dropped his clip of bullets
3 and I saw when he did this and they proceeded down
4 the street and I went out and I picked it up and I went
5 back in the store and I closed the door and I thought
6 about this for a while.

7 I said this is a silly thing. So I decided some-
8 thing should be done. So I called the councilman in the
9 area.

10 Q What is his name?

11 A Bernstein. He was very silly. He said "Are
12 you sure it was a gun? Are you sure it was a shot?"

13 He aggravated me to no end. He started talking
14 about everything except what I was talking about so I
15 hung up.

16 I called the Newark Precinct in my area and the
17 captain told me he was very busy and he didn't have any
18 time to be bothered with that and furthermore that it was
19 out of his hands because that was the state and he had
20 nothing to do with them.

21 So I hung up on him too.

22 I tried to get the Armory, the Governor, and I
23 couldn't get through. So I decided that I should call
24 the news media because probably publicity would stop
25 this thing. I called CBS and NBC and ABC, the Daily News.

1 everybody I could think of.

2 It is daylight by this time. Subsequently they did
3 respond.

4 I guess it is always the case when you have any
5 type of confusion and chaos and the minute people in a
6 Negro neighborhood happen to see white men come by in a
7 car they want to see what is going on.

8 A little crowd developed. The State Police came
9 back again and they wanted to tell the newsmen or they
10 did tell them that they shouldn't be here and many things.

11 So finally one of the newsmen did produce the
12 press card which they felt they needed for adequate
13 credentials for them to stay and they drove down the
14 street.

15 They dispersed the crowd and they had a legitimate
16 right to do that, I guess, and that was the end of that.

17 MR. DRISCOLL: Do you still have the
18 clip that you picked up?

19 THE WITNESS: Yes.

20 Q Do you have it with you?

21 A Yes.

22 MR. DRISCOLL: May we see it, please?

23 THE WITNESS: Yes. Here it is (indi-
24 cating). It was on his belt.

25 (Discussion off the record.)

1 MR. LEUCHTER: What kind of guns did
2 they have?

3 Can you describe the guns for us?

4 THE WITNESS: The long ones, with the
5 long end and the handles.

6 MR. LEUCHTER: The men with the long
7 guns or a man with a long gun dropped this?

8 THE WITNESS: Yes. They had them on
9 like a wide belt and somehow or other this
10 thing was on there.

11 I don't know how it was on there but I
12 know it was there because I saw it.

13 MR. LEUCHTER: Can I ask you another
14 couple of questions which may clarify what Mr.
15 Fortunato was asking earlier?

16 I know he didn't intend to embarrass
17 you or make anything funny but could you tell
18 us this?

19 You see policemen in Newark and I assume
20 you have seen policemen since the riot in
21 Newark?

22 THE WITNESS: Yes.

23 MR. LEUCHTER: The men who were carrying
24 guns and the men who shot up your store that
25 night, were they dressed in the same uniform

1 the state that the policemen in Newark wear that you
2 prisoners have seen since that time?

3 had gotten shot. THE WITNESS: No.

4 Q MR. LEUCHTER: In other words, whatever
5 street quiet uniform they were wearing they are not the
6 same as those you have seen in Newark since
7 that time?

8 THE WITNESS: Right. As a matter of
9 fact, the men who came down the street, the
10 cars had numbers on the top and I had recorded
11 the number of the cars that I had seen or this
12 one particular car and I don't know what
13 happened to it.

14 I was able to find this but I couldn't
15 find the number. The cars had the number
16 on the top of the car, on the roof of the car.

17 Q Along these lines I believe you said that
18 when you called up the local police headquarters he said
19 that he couldn't do anything about it because it was the
20 State Police?

21 A He said it was the state and it was out of his
22 hands.

23 Q Did you tell him that it was the State Police
24 involved?

25 A I told him who I had seen. I said Yes, it was

1 the state and he told me he was very busy, he had many
2 prisoners and a lot of other things and he said somebody
3 had gotten shot out of his precinct and I don't know.

4 Q Before this incident had occurred was the
5 street quiet?

6 A Yes.

7 Q Were the stores in the neighborhood undis-
8 turbed prior to that time?

9 A Yes. There was no one on the street.

10 MR. LEUCHTER: Did you have "Soul Brother"
11 or "Soul Sister" on your storefront?

12 THE WITNESS: Everything, yes.

13 MR. LEUCHTER: You were in the store
14 because you felt that was insufficient?

15 You felt that despite having that on
16 that maybe you were afraid that the crowds

17 or the neighborhood might break the store
18 windows?

19 THE WITNESS: I wasn't sure what might
20 happen but I felt that I should stay there

21 because many white merchants had begun to do
22 the same thing, number 1, and on one of the

23 first nights of the incident I had gone home
24 and I didn't even realize there was a riot

25 going on and when I came back to my store,

1 as I was driving up in my car there was a

2 A group of people there with garbage cans

3 getting ready to throw it through my window.

4 Q So I jumped out of the car and I'm

5 saying "Please don't break the windows."

6 A So they said "Why? It's a white store."

7 A lady said that. I said "Why do you

8 say that?"

9 A She said "I talked to her on the tele-
10 phone."

11 I said "No, it's not a white store.

12 Here is the lady. Don't give me any trouble."

13 Q Did people are coming who don't live in this

14 neighborhood, they don't know the store, I

15 figured I will stay right here so they can

16 see me and there is no question about it.

17 Q You are continuing in business at that address
18 now? A No.

19 A Trying to, yes.

20 Q Have you reported this incident to anyone?

21 A Yes.

22 Q To whom? They were only interested in things

23 A To all those who have come by to ask me. I
24 can't begin to tell you how many people because I don't

25 know. When the incident first happened, Councilman

1 told me Q that How many people have come by to ask you?

2 A I believe two men from this Commission, if I
3 may use that word.

4 spoke Q the Right. Who else?

5 A Originally a-- oh, let me clarify this.

6 When the Legal Services came around they were
7 interested in the fact that my store was damaged as a
8 result of the riot.

9 Now they did not use as a barometer or measuring
10 device the fact of who or by whom or with what.

11 These things, were done, if my memory serves me
12 correctly--

13 Q Did you call the Newark Legal Services Project?

14 A No.

15 Q They came around?

16 A Yes.

17 Q You did not call them?

18 A No.

19 Q They were not interested in--

20 A They were just interested in the fact that
1 whatever the evidence was that they were trying to gather
2 for their own suit, they were only interested in things
3 that were definitely relative to the riot itself, the
4 damage itself, and not as to what did the damage.

5 When the incident first happened, Councilman Bernstein

1 told me that he was going to investigate this further.

2 I haven't heard a word from him.

3 Also that Sunday I went over to the Armory and I
4 spoke to the Mayor who also said he was going to send
5 somebody over to investigate this.

6 I haven't heard from him either. There have been
7 many people around from various agencies but I can't
8 now tell you who they are because I don't remember.

9 MR. LEUCHTER: Is it Mrs. Ferguson?

10 THE WITNESS: Miss.

11 MR. LEUCHTER: Miss Ferguson, I wanted
12 to explore a completely different area just
13 about your being in business and the problems
14 of a Negro businessman or businesswoman in
15 this core area.

16 You have been in business there for
17 about a year, you told us?

18 THE WITNESS: Right.

19 MR. LEUCHTER: Have you had occasion
20 to borrow any money?

21 Have you had to borrow money to finance
22 the business?

23 How did you go about this?

24 THE WITNESS: I had to personally
25 guarantee it myself with my own worth.

1 I did. MR. LEUCHTER: Did you go to any
2 financial institution?

3 THE WITNESS: I went to the bank.

4 MR. LEUCHTER: A bank in Newark?

5 THE WITNESS: Yes.

6 MR. LEUCHTER: Would you mind telling
7 us which bank it was?

8 THE WITNESS: National Newark & Essex.

9 Let me say this: Although I borrowed
10 the money personally, because I realized
11 and knew in advance that they were going to
12 give me a lot of trouble about it I said it
13 is better to go and apply for it personally
14 myself anyway and put it into the business.

15 MR. LEUCHTER: You borrowed money from
16 the bank personally, in other words?

17 THE WITNESS: Yes.

18 MR. LEUCHTER: Did you borrow at 6 per-
19 cent interest?

20 THE WITNESS: 6 PERCENT.

1 MR. LEUCHTER: And you signed for it?

2 THE WITNESS: Yes.

3 MR. LEUCHTER: Did you have collateral
4 to put up?

5 THE WITNESS: Well, because they know me

1 I didn't have to but let me say this: I
2 think the only reason that I did not have
3 to do that was because I was gainfully
4 employed.

5 I had another income aside from the
6 business at the time and they knew this.

7 MR. LEUCHTER: Had you ever borrowed
8 there before?

9 Did they have a history on you?

10 THE WITNESS: Yes.

11 MR. LEUCHTER: They knew you personally
12 because you had banked there before?

13 THE WITNESS: Right.

14 MR. LEUCHTER: Do you feel that as long
15 as the person involved, as long as say it is
16 a black person involved, as long as they have
17 an experience with a bank and the bank knows
18 that person and they have some kind of an
19 income, do you feel it is possible for a Negro
20 to borrow money then in a bank in Newark?

21 THE WITNESS: No.

22 MR. LEUCHTER: You think it is very
23 difficult?

24 THE WITNESS: It is very difficult, very
25 difficult.

1 BISHOP TAYLOR: Even though he has the
2 collateral?

3 THE WITNESS: Yes, because you see,
4 it is one thing to have collateral and col-
5 lateral to me can be a tangible thing and/or
6 an intangible thing. Depending upon who you
7 see at the bank, how that person feels today,
8 how much money the bank has on hand at that
9 time and how you approach them yourself, it
10 has a lot to do with it.

11 It is a determining factor.

12 MR. LEUCHTER: How about from your furni-
13 ture suppliers?

14 You have to keep a substantial inventory
15 on hand and I assume you have to finance it
16 or I don't know how you work it with your
17 suppliers.

18 Do they carry you?

19 THE WITNESS: I am on 30-day terms, some
20 60-days but that's it.

21 MR. LEUCHTER: You have not had to go
22 back to the bank?

23 THE WITNESS: No, fortunately, because
24 whenever I have a problem, rather than have a
25 problem with the suppliers I take some of my

1 own personal money and put it in in the hope
2 that I am going to get it back when I do some
3 more business.

4 MR. LEUCHTER: How about the terms to
5 your customers?

6 Is it a fair amount of your business
7 credit business or is it all cash business?

8 THE WITNESS: Credit business.

9 MR. LEUCHTER: How do you finance your
10 customer's purchases?

11 THE WITNESS: In this business you have
12 it for discount houses, small loan and a few
13 houses that will buy paper at exorbitant rates,
14 really exorbitant rates, at 45 percent discount.

15 MR. LEUCHTER: You mean your customer is
16 going to have to pay it?

17 THE WITNESS: Not only is the customer
18 going to have to pay but I have to pay too.
19 They get it on both ends.

20 MR. LEUCHTER: Therefore, would you say
21 that the person-- are you in the Central Ward
22 of Newark?

23 THE WITNESS: No. I am in the South
24 Ward.

25 MR. LEUCHTER: The South Ward resident

1 who buys furniture in the neighborhood,
2 whether he buys from you or from a white com-
3 petitor, for the sake of argument, is he
4 going to have to pay pretty high credit
5 charges regardless of whether he buys from
6 you or anybody else?

7 THE WITNESS: No, not regardless,
8 because fortunately or I should say unfor-
9 tunately, the discount houses and the places
10 that buy the paper are controlled predominantly
11 by the Jewish people and these people also
12 are in the furniture business and have been
13 for many years and you find that the man who
14 is in charge of credit at the credit house
15 is also the brother-in-law of somebody who
16 owns the furniture store.

17 So number 1, the furniture store, whose
18 brother-in-law is a relative of the man who
19 owns the place, gets a cheaper rate to the
20 merchant.

21 Secondly, his customer may get a lower
22 rate or he may not. It depends on the customer.
23 On top of that, they steal your customers
24 and they give them to the other stores because
25 when you call in your applications you have to

1 tell them the name of the customer, the
2 address, what they are buying, how much you
3 are selling it to them for.

4 going Many times you find that they will
5 call back and tell somebody to send somebody
6 up to Mrs. Jones because she's going to buy
7 something from Nancy Sales and it is \$399
8 and you tell the customer \$359.

9 You will see the customer in the street
10 and say "What happened?"

11 They will say "The man from Bushberg
12 came by and told me to do this, this and this."

13 MR. LEUCHTER: What alternative do you
14 have as to where to take your people?

15 Rather than to try to extend credit by
16 using one of these firms where you have had
17 a bad deal, is there some alternative place
18 that you can get credit for your customer?

19 THE WITNESS: No.

20 MR. LEUCHTER: There is not?

1 THE WITNESS: No. Well, in Newark there
2 is one discount house and there are several
3 small loans and the one house in Newark won't
4 take any Negro dealers and they say it is
5 because of the customers but it is not because

1 the same customer goes to the white store
2 and they buy.

3 They always tell you "Well, we are not
4 going to do business with you" and they don't.

5 MR. LEUCHTER: How about CCP?

6 THE WITNESS: That is a different situa-
7 tion. With CCP the customer must be a card
8 holder of CCP and they determine who is to be
9 extended credit and who is not and solely
10 on their own merits and they have a limit of
11 \$500, I think it is.

12 MR. LEUCHTER: Could anybody buy in your
13 store and charge through CCP up to \$500?

14 THE WITNESS: No. In fact, I think the
15 only place anyone can buy furniture in this
16 area and maybe use CCP would be Two Guys.

17 MR. LEUCHTER: Are there any other
18 charge plans like CCP?

19 THE WITNESS: Well, Unicard. I am a
20 Unicard dealer. At one time Unicard had
21 something called installment contracts where
22 people would buy furniture and appliances
23 because this isn't something you usually
24 pay for in 30 or 60 days but they have this
25 thing which means that if anybody is going to

1 charge something like Unicard, they would
2 have to pay for it in 30, 60 or 90 days
3 because they don't have like \$15 a month
4 for 3 years.

5 You just don't do that with them.

6 MR. LEUCHTER: So very few of your
7 customers or your sales now are going through
8 Unicard?

9 THE WITNESS: Right.

10 MR. LEUCHTER: Are there any Negro
11 finance firms, Negro-owned finance firms in
12 Newark?

13 THE WITNESS: No, and not even in the
14 entire metropolitan area.

15 I know from Newark down to Richmond,
16 Virginia there are none. I know this of my
17 own knowledge.

18 MR. DRISCOLL: Any further questions?

19 MR. DRISCOLL: Did you go to school in
20 Newark?

21 THE WITNESS: No.

22 MR. DRISCOLL: Where did you go to
23 school?

24 THE WITNESS: East Orange.

25 MR. DRISCOLL: Did you go beyond East

1 Orange?

2 THE WITNESS: Rutgers.

3 BISHOP TAYLOR: Did you graduate from
4 Rutgers?

5 THE WITNESS: No. I am still attending.

6 MR. DRISCOLL: Now you are going to try
7 to help us, aren't you?

8 You want to help us and that's why you
9 are here?

10 THE WITNESS: Yes.

11 MR. DRISCOLL: Would you permit us to
12 put these bullets in and enter them as an
13 exhibit?

14 I think it may be very helpful. It is
15 dramatic and if you would, it would be very
16 helpful.

17 THE WITNESS: I can look but I don't
18 balls THE WITNESS: I would like very much to
19 help you but I don't feel at this time that
20 I would like to let them go out of my possession.

1 thing I will make them available to you whenever
2 you want but I don't feel as though I would
3 like to give them up at this time.

4 MR. DRISCOLL: Well, I don't know if
5 there is anything we can do to change your

mind. I gather from the evidence that there

1 I don't know what useful purpose they
2 are going to serve in your possession.

3 I think you better treat them with
4 care and not get them mixed up with anything
5 else.

6 THE WITNESS: I look at those and I
7 look at the holes in my wall and I think.

8 MR. DRISCOLL: Do you have any of the
9 spent bullets that they shot through the
10 window and landed in the furniture?

11 THE WITNESS: Well, I don't think I
12 saved those. There may be some still in the
13 wall.

14 When I go back I can look.

15 MR. DRISCOLL: Will you look?

16 THE WITNESS: I can look but I don't
17 believe I saved any because it was such a
18 mess.

19 BISHOP TAYLOR: We are trying to do two
20 things. One is that we are trying to discover
21 who the people are, and if we don't get them
22 by individuals we certainly would like to know
23 the class, in other words, whether or not these
24 were National Guard, State Police and so forth.

25 I gather from the Governor that these

1 bullets could give us some clue toward that
2 end. As it is now they actually aren't going
3 to do you any good.

4 They aren't a part of any testimony
5 you are to give in court.

6 Your purpose for coming down here is
7 to try to help us solve this problem.

8 We want to do two things. First we
9 want to try to find out who is involved in
10 this and then try to map out a new course
11 to make the Newark situation better.

12 THE WITNESS: You are right.

13 BISHOP TAYLOR: If you could do that
14 for us it is our feeling you would be making
15 a real contribution that you won't be making
16 by keeping these bullets in your own possession.

17 DOROTHY THE WITNESS: Let me say this to you:

18 REAMINATION The primary reason for my wanting to keep
19 BY MR. FORT these is that I am having an awful lot of
20 trouble with my insurance.

21 A In fact, I don't have any right now.

22 Q As a result of this I filed a claim with my
23 insurance carriers and I was told that they

24 Q are going to prosecute something or I don't know
25 A what they are going to do because I'm not

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Q certain and they wanted to see these and
 A they were supposed to send somebody around.
 Q Yes. The other man didn't come yet. Whether
 A he is going to come or not, I don't know.
 Q I was also told that perhaps if I did
 A help them out they may give me some considera-
 Q tion with giving me some type of coverage or
 A some type of policy because in furniture and
 Q appliances, insurance is prohibitive.
 A I don't have to tell you that.

A Yes. (Discussion off the record.)
 Q MR. DRISCOLL: Thank you very much, Miss
 A Ferguson. You have been very helpful and we
 Q appreciate it.

incident to relate to * * * * *
 personally during the disorder in July?

DOROTHY M c C L E N D O N, Sworn.

EXAMINATION

BY MR. FORTUNATO:

Q Your address, please?
 A 202 Belmont Avenue.
 Q That is where you reside?
 A That's where I live at.
 Q Is that an apartment house?
 A It is a two-family house.