

L. T. DANIEL, S. HENNESSEY,

SWORN.

EXAMINATION BY MR. FORTUNATO:

Q Are you a resident of Plainfield?

A Yes, I am.

Q You have been a resident for how long?

A Since 1938.

Q Can you give us your background and experience as a police officer.

A I have been employed by the Plainfield Police Department since March 19, 1949. I have been a detective since 1953. I have been a lieutenant since 1963. I am presently the acting commanding officer of the criminal investigation division of the Plainfield Police Department and have been so since July 8.

Q Of 1967?

A 1967.

Q Can you sketch out for us what you did during the Plainfield disorder.

A Yes. Our detective bureau right now is quite undermanned and consists of eleven men. That includes the plainclothes unit and the juvenile bureau. On July 14 and 15, I only had nine men. On the 14th of July, we were a little apprehensive due to several reports from Councilman Judkins that he expected trouble from the west end of the

1 city and, specifically, along Plainfield Avenue and with
2 several businesses located in the vicinity of 3rd Street,
3 4th Street and 5th Street. I had a detective crew work
4 the night of the 14th up until about eleven p. m. Up
5 until this time, no trouble had developed so I knocked
6 the crew off and went home.

7 However, I was home reading the paper and I did have
8 a police radio at home and I had several strange calls on
9 it that cars were being hit with rocks. I called
10 headquarters and I learned that there was a minor
11 disturbance, as they described it to me, but I still
12 called back three other detectives and we met in two cars.
13 I learned then that there had been some type of a
14 disturbance in a place called the White Star Diner on
15 West Front Street. This is a hamburger stand and usually
16 draws a large crowd, predominantly colored youths, on
17 Friday and Saturday nights. Then, the disturbance had
18 moved up into the West End Gardens housing project into
19 the parking areas, and after that a group of 40 to 50
20 youths had busted away from the group and had marched
21 down to the edge of the business area where a window was
22 broken, and then they returned to the project.

23 I have since found out this was not so, that they
24 made an entire loop of the business area. This group was
25 watched by police. As they neared the point of return to

1 the housing project, several other windows and businesses
2 on the edge of the project were broken, and I believe one
3 fire was started.

4 This was about 12:30 a. m. on the 15th when I
5 returned to work. When I started my patrol with my
6 other detective car, I was informed that no police were
7 going into this area and breaking this up, that they were
8 going to stay on the edge of it and contain it, and that
9 human relations people from the city and councilmen from
10 the city government were in talking to this group of
11 youths behind the project and that they were going to
12 handle the matter peacefully. The police were not to go
13 in there and break it up, just stay on the edge, which we
14 did.

15 I had been on the road about half an hour when we
16 received a call that directly across the street from the
17 housing project, which would be the southwest corner of
18 Plainfield Avenue and West 3rd Street, behind a gas
19 station, that youths were making gas bombs. The two
20 detective cars immediately responded to that call and as
21 I approached the gas station, I noticed a couple of youths
22 run out and over behind the project with the crowd. I
23 cannot identify them but I knew they were youngsters
24 17 or 18 years of age. We went up behind the gas
25 station and found a real crude attempt to make Molotov

1 Cocktails. There was a piece of old blanket there. There
2 was a five gallon plastic can of gasoline. There were some
3 empty wine and Coke bottles that they were starting to fill
4 with gas. We picked up all this stuff and we continued
5 to stay on the edge of this until about 2:30 or three
6 o'clock.

7 Now, one interesting thing that comes to mind is that
8 while on this patrol and after midnight, at the corner of
9 Plainfield Avenue and West 4th Street, I was stopped by a
10 17 year old youth in the street whose name was Sherman
11 Glasgow. I recognized him and I knew who he was. He had
12 two bandaids under his eye and he said he wanted to go to
13 the hospital because he said he had a cut under his eye
14 where he had been attacked at the White Star Diner. I
15 asked what had happened and he said that there was a group
16 of colored youths there and a car containing four or five
17 white men travelling west on Front Street had been hit with
18 a Molotov Cocktail. The men got out of the car, brushed
19 it off the car, walked over to the crowd and because he
20 was the closest, hit him in the eye. I did get a radio
21 car to send this youth to the hospital.

22 About 2:30, I could see that these people behind the
23 project--at one time I estimated this as over 100, but I
24 soon had an opportunity to review the record and at the
25 time I placed the group at 60 persons. They were melting

1 sway in ones and twos and threes. At about 2:30, when I
2 was passing there I saw three soldiers, three colored
3 soldiers there. I knew that if these men were there
4 there couldn't be just any kind of trouble so I stopped
5 and I talked to them. I asked them what was going on
6 and they said it was just a bunch of kids sounding off.
7 I said, "Is there going to be any trouble?" They said no.

8 At about the same time, Councilman Judkins came out
9 from behind the housing project and he was giving me a
10 wave-off to go away, so I said, "Is there going to be any
11 trouble, Mr. Judkins?" He also said no. About 20 minutes
12 after that, I recommended that they secure for the night,
13 the special detail, and that was done.

14 On Saturday, there was a meeting with the mayor,
15 human relations people, recreation commission people at
16 the police station again to discuss the possible prevention
17 of trouble.

18 Q Were you present at that meeting?

19 A Yes.

20 MR. LEUCHTER: At this point, as of
21 early Saturday morning, the violence had
22 consisted of what?

23 THE WITNESS: Solely of the breaking of
24 about three or four store windows on that one
25 loop through town that these people made. It

1 was confined to that.

2 The big point brought out at the meeting
3 that I just described, which was early Saturday
4 afternoon, was the fact that there was going
5 to be a meeting at the teenage center that
6 evening to air grievances. They were
7 apprehensive that if this meeting didn't go
8 properly the trouble might start again. The
9 one thing that the councilmen and human
10 relations people stressed was that they wanted
11 the matter handled, if possible, without any
12 violence.

13 At this time, I explained to them that I
14 had been following the rioting in Newark and it
15 was my opinion that the black Muslim sect had a
16 hand in it, and if this was to prove so in
17 Plainfield, there would be violence because you
18 cannot arrest a black Muslim without having
19 violence, and I hoped that they understood that
20 if we could avoid all this, we would.

21 There was some discussion given to a
22 newspaper article printed in our daily paper,
23 The Courier News, about the incidents of Friday
24 night which I thought blew the thing all out of
25 proportion and more or less played it up where

1 it should have been handled just as a routine
2 police matter.

3 Well, after the meeting was over I notified
4 all the detectives that they were to report for
5 duty at ten o'clock that night. This would be
6 about the time that the teenage center disbanded
7 for the night.

8 Q Did you also receive a call from New York at
9 this time that there would be trouble?

10 A From New York?

11 Q Yes, New York City.

12 A No, no. I had received information in May of
13 1967 from a source that doesn't want to be disclosed that
14 Plainfield was a potential target for civil disturbance.
15 It listed the reason as population makeup, a heavy
16 percentage of Negro population. A confined area. We
17 are only 5.8 square miles. Heavy welfare rolls. Poor
18 police-community relations, and undermanned police force.

19 Well, we arrived back that Saturday night and the
20 plan was that if there were trouble again they were going
21 to try to contain it into the area where it was. Let
22 them meet behind the project again and so forth. I don't
23 know where these instructions came from. My specific
24 duty there was to take the detective bureau and protect
25 the business district.

1 The trouble started again with bottle throwing and
2 rock throwing at automobiles along Plainfield Avenue a
3 little earlier than was expected, because I was just ready
4 to depart headquarters and Mr. Harvey Judkins, the
5 councilman, came into police headquarters and he was
6 quite excited. He said, "You fellows are going to have
7 to go out there and do what you have to do because nobody
8 can speak to these people." With this, he turned around
9 and left.

10 The detectives were split up in three automobiles,
11 three men to an automobile. I stationed--no, I'm sorry.
12 There was one car with two men that I stationed at
13 Clinton Avenue and West Front Street, which is a small
14 isolated business area. I took the other two cars and
15 the men and went down into the Plainfield business
16 district.

17 Now, if you gentlemen aren't familiar with Plainfield,
18 there is a railroad that runs east and west about one
19 block off of the main street. This forms sort of a
20 natural barrier to the business area. You have your
21 viaducts that go under the railroad spaced along at these
22 intersections so this is what we covered, two of these
23 intersections, and we had a patrol cover the third.
24 Specifically, I was at Central Avenue and West 2nd Street.
25 At this position I was looking south under the railroad.

1 We were just sitting there. We had very little reports
2 of what was going on. We hadn't been on station very
3 long when the car to my right said there was a large
4 group coming down South 2nd Street. West 2nd Street is
5 on my side of the railroad. South 2nd Street is
6 directly on the other side of the railroad. It deadends
7 at Central Avenue. From the west, it comes west and
8 deadends.

9 In a few minutes, a group of I would say 30 to 40
10 youths came running pell-mell out of West 2nd Street.
11 Directly across the street is a big lighting fixture
12 store, and to the south a little further up the block is
13 a plumbing supply house. This group immediately started
14 throwing rocks through the window of the lighting fixture
15 store and the plumbing supply house. Then, one youth ran
16 around the corner with a trash can and threw it through
17 the window of the lighting supply house and several people
18 ran in.

19 At this time, I said to my driver, "Let's go down
20 there and break this up." I was with Detective Watson
21 at the time and, personally, I thought containment was
22 all right but this was going a little too far. We went
23 down and as we arrived, we jumped out of the car with our
24 nightsticks and the crowd just disappeared. In fact, it
25 went so fast that we couldn't catch any of them. There

1 were youths there and I would say they ranged anywhere
2 from 14 to 20. We saw a lot of whiskey bottles sticking
3 out of the back pockets and they ran away from us. We
4 broadcast on the radio that we had just broken up the
5 gang and I asked for assistance to try to round some of
6 these people up.

7 A radio car came down and one officer came up to me
8 and he said, "Frankly, what the hell are we doing?" I
9 said, "What do you mean?" He said, "I am up on Plainfield
10 Avenue and 5th Street and I see people walking in and out
11 of the liquor store looting it and I am not supposed to
12 do anything." I told them on the radio that I strongly
13 suggested that we start doing our business and arrest some
14 of these people and stop this looting from going on.

15 Q Do you feel that you had enough manpower to go
16 in and stop the looting?

17 A Yes, I think so. It was a minute or so later
18 that permission was given to start making arrests and stop
19 this. So, the remainder of the night we patrolled and we
20 arrested people where we found them breaking into stores,
21 where we found them in stores, where we found them carrying
22 loot away. Things got a little hot and a little heavy as
23 time went on. More stores were broken into. Fire bombs
24 were thrown. Stones were thrown at the police car. But,
25 all in all, I think that the Police Department had the

1 situation in hand.

2 MR. LEUCHTER: Was this looting at this
3 point--and I think the answer is yes--all within
4 the so-called Negro neighborhood? This was not
5 downtown Plainfield, was it?

6 THE WITNESS: This was not in the downtown
7 area, but you cannot really say the Negro
8 neighborhood either because it went from
9 Plainfield Avenue to Clinton Avenue, and this
10 is racially mixed when you get up there,
11 definitely.

12 We arrested people where necessary. I
13 think I arrested five persons myself with
14 Detective Watson. One thing that I noticed at
15 this time is that there were a lot of onlookers
16 but there was no hostility. If there was a
17 group of five or six people standing on the
18 corner and we pulled up and saw somebody in a
19 store, and we get out and took them out of the
20 store, there was nothing said by these groups
21 that stood about.

22 We were advised at one point that a group
23 of motorcyclists were on their way to Plainfield,
24 probably to cause trouble. I have done quite a
25 bit of investigation on the Pagans and the Road

1 Agents and so forth, and they are nothing but
2 pure trouble. As soon as I heard that they
3 were even on their way to town, we put out
4 instructions to the men that if they saw any
5 of these fellows and they did anything, to pick
6 them up, arrest them and get them off the
7 streets.

8 Q Did they come in?

9 A Yes, they did, and I think we arrested something
10 like 12 in a group.

11 Q Were they white or Negro?

12 A They were all white.

13 As I say, up until about 2:30 or three a. m. on Sunday
14 morning, we had the situation well in hand. The good Lord
15 helped us out a little bit and sent a nice heavy rain, and
16 by four o'clock in the morning everything was normal.
17 About five or six o'clock in the morning, we secured the
18 special detail and I sent the detectives home. I told
19 them to be back at six p. m. on Sunday. I figured that
20 was plenty of time before dark. I myself, along with
21 Captain Campbell, stayed at police headquarters. On
22 instructions of the mayor, we notified the taverns not
23 to open up that day. I left I guess it was around noon,
24 12:30, and I drove home. I live right on the edge of the
25 so-called area. It is my practice to go right through

1 the middle of it on the way to and from work. I noted
2 no trouble at all so I went home and went to bed. Seeing
3 as how I had stayed until the afternoon, I scheduled
4 myself to return at eight o'clock.

5 Well, it was some time around six o'clock that my
6 lieutenant, Lieutenant McColgan, came to my house and told
7 me that I better come back to work, that things were pretty
8 well out of hand. I immediately went to the detective
9 bureau and I learned from several of my men that had
10 gotten there a little earlier that there was widespread
11 looting, and that there had been several serious attacks
12 on civilians in automobiles and there was some talk of
13 guns, not yet the carbines, but guns.

14 Q Was it indicated to you at what time the
15 complexion had changed during Sunday?

16 A No, but I was led to believe that this had
17 been going on for a couple of hours. We took what
18 weapons we had, which were several shotguns that were
19 in evidence, and passed them out to the men. Once again
20 we were assigned to protect the business district.

21 We went down to the business district and we took
22 up a station in the Madison Park lot, which is a vacant
23 lot right in the center of town which is due for
24 redevelopment. In this way we could move to any spot
25 in the middle of town immediately.

1 It was somewhere shortly after eight o'clock that
2 we received a radio message that a boy had been shot by
3 the police. Then, shortly after that there was a message
4 that a police officer was being attacked at 4th and
5 Plainfield. This we were very dubious about because there
6 was no police officer at 4th and Plainfield. Then, it
7 was a police officer being attacked at 3rd and Plainfield.
8 Again, we knew there was no policeman there. Then,
9 unfortunately, one of the radio cars broadcast a message
10 that they had just spoken to a colored minister who had
11 just come from that area and there was no one beaten,
12 that it was a false alarm.

13 At this time, we had been moving sort of in that
14 direction. A carload of colored youths stopped us and
15 they told us that an officer was being badly beaten at
16 Plainfield and 2nd. By this time, the telephone calls to
17 the police station had clarified that it was actually an
18 officer and the location actually was Plainfield and 2nd
19 rather than 3rd or 4th. At this time, we were informed
20 that Captain Campbell was leaving headquarters with a
21 squad and they were going to attempt to pick the officer
22 up.

23 So, we headed west on 2nd Street and just about the
24 time that the rescue force arrived at Plainfield and 2nd,
25 we arrived at Liberty and 2nd.

1 Now, the reason that I took the station here is
2 that Liberty Street is one block to the east of Plainfield
3 Avenue and it is the only and closest underpass under the
4 railroad. I didn't want the mob to circle down and
5 around and come up behind the rescue force.

6 Just as they picked the officer up, two carloads of
7 looters came up the bridge. They apparently didn't see
8 us there and once they started under the bridge, they
9 couldn't reverse. We apprehended them and dispatched
10 them off to the police station. Then, we took our
11 positions up in the center of town again.

12 It was about shortly after dark that I recall we
13 received a radio message that the Plainfield Machine
14 Company had been broken into and that 46 carbines had
15 been stolen. I was very apprehensive when I heard this
16 because I knew of the theft in 1965 where a number of
17 carbines had been stolen.

18 Q From the same place?

19 A From the same place, and though we never
20 effected any arrests on it, we did serve several search
21 warrants on garages and bars in Plainfield on the
22 information that these guns had funneled through Plainfield,
23 and there was no doubt in my mind that they actually had.

24 By this time, State Police were coming in but only
25 in dribs and drabs, one or two men. We again began to

1 take these stations up along the railroad and I again
2 wound up at Central Avenue and West 2nd Street with men
3 at Madison Avenue and West 2nd, and men at New and West
4 2nd.

5 I can't really give you a time but again I received
6 a call from the men at the next intersection that a group
7 was coming down West 2nd Street again. Well, just about
8 the same thing as the night before, it was about 20 or 30
9 youths, maybe 40, who busted out of the end of West 2nd
10 Street. Some of them started to run south toward the
11 plumbing supply and some of them ran across the street
12 to the house of lights and started throwing rocks through
13 the already broken windows and the sign. I again told
14 my driver, who was again Detective Watson, "Let's go
15 down and break this up." As it was, there were two cars
16 travelling south on Central Avenue in the normal line of
17 traffic. We had to allow them to pass us before we could
18 get out into the traffic line. They passed down under the
19 railroad bridge just as we swung out. As they got up by
20 this mob, people stepped from both sides of the street
21 and sprayed these cars with what was very obviously these
22 semi-automatic carbines because of their rapidity of the
23 shots and the way I could see the fire spit.

24 Well, we had one shotgun and our service pistols so
25 this was no time to mount the attack. Cars continued to

1 turn onto Central Avenue so my biggest problem then was
2 to get these cars stopped from going up there and
3 suffering this automatic fire. I fell back one block
4 and blocked off that intersection. I pulled the
5 detectives back on my right one block to block off that
6 because it is a main artery through there. It is Front
7 Street. It is very heavily travelled. We were trying
8 to divert traffic down the line toward Dunellen and
9 further away from the business area, but all these side
10 streets could feed in.

11 We got back down there and I notified Captain
12 Campbell and he brought the main force up. There were
13 a couple of charges attempted under the bridge and the
14 policemen that were there drove them back under the
15 bridge again. I am positive that these people didn't
16 know what they had in these carbine rifles because they
17 could have literally murdered us. It was just that they
18 didn't know how to use them. The shotguns drove these
19 people back under the bridge when they actually had the
20 fire power.

21 It was shortly after that that we got a couple of
22 carbines and Captain Campbell started to move under the
23 bridge, because we had received a report that two squads
24 of heavily armed men had laid siege more or less to the
25 fire house. At one point there I wasn't sure whether the

1 fire house had been captured or not. As Captain Campbell
2 moved under the bridge, I moved up to 2nd Street. Then,
3 as he moved to 3rd, I moved under the bridge. In the
4 meantime, two State Troopers had outdistanced everybody
5 and had gotten up to 4th Street in the block to the west
6 of New Street and to a market that was being looted, and
7 they had arrested eight persons. They marched them down
8 the center of 4th Street, left on Central Avenue to the
9 front of the fire house. Well, the only thing I can think
10 of that prevented us all from being killed there when we
11 ran up to help the troopers was the fact that we had the
12 eight prisoners because we were dead in the line of fire
13 there.

14 We called for the patrol wagon which came, and as
15 proved later, parked just outside of the line of fire.
16 We loaded the prisoners on the wagon and as the wagon
17 pulled away, those of us that were standing in the street,
18 and there were several police cars on the fire ramp at
19 the time, ran up the alley to the back door of the fire
20 house. As we did, the people with the automatic weapons
21 that were facing us from across the field just sprayed
22 the front of the fire house. They shot the windows out
23 of the fire house. They were shooting a little high
24 and they weren't hitting the police cars. We got to the
25 roof of the fire house and we tried to return the fire

1 whenever possible. We pinpointed that it was coming from
2 about two or three locations.

3 Later, when daylight came and the National Guard had
4 secured the place and the men had an opportunity to go
5 over and look, they found numerous spent shell casings
6 in the driveway and by an old garage from where we
7 thought the fire had been coming from.

8 Well, I stayed with the fire house until I was
9 relieved by the National Guard. It was my thought and my
10 idea that now we had sufficient manpower, we had
11 sufficient fire power, that we were going to get a cup
12 of coffee and wait until daylight and then go down into
13 the area and search out these people and take away the
14 weapons and make arrests where necessary.

15 Q Could you be somewhat more specific as to what
16 procedure you would have followed?

17 A That morning?

18 Q Yes. In other words, were these known houses
19 where you suspected people of having arms?

20 A That morning, this would be Monday morning, in
21 the normal course of procedure, I would have sent patrols
22 in there street by street to look over the area and to
23 recover loot that would have been thrown away. It was
24 later learned that there were actually men standing on
25 the street with carbines down on Plainfield Avenue on that

1 Monday morning. I would have gone down there with full
2 patrols and just patrolled street by street and looked for
3 trouble. When I say looked for trouble, wait to get
4 shot at and then when somebody shot at you, go after them.
5 That would be the way I would have handled the situation.

6 Q What prevented you from pursuing that procedure?

7 A This I don't know. First, the men did go in
8 and they made several searches right away at the spots
9 we thought we were drawing fire from. This was right on
10 the edge. This was at New Street.

11 The next thing, I was informed that we were going
12 to establish a perimeter. All right, all day they worked
13 on that.

14 Q Did you have an opportunity to make your
15 recommendations to anyone as to what the procedure
16 should be?

17 A No, I did not.

18 MR. GIBBONS: Not even to your own
19 superiors?

20 THE WITNESS: No, sir.

21 Q If you had not received other orders, would you
22 have followed the procedure you previously outlined
23 without waiting for further orders from above?

24 A Yes, I think so. I would have.

25 Q You had your own authority. You figured this

1 was just part of good police practice to do this.

2 A Take a hypothetical case. Supposing I was on
3 duty with another man or another two men and a gas station
4 was held up. The owner was shot by three thugs who jumped
5 into a car and fled just as I arrived. I am chasing them
6 down the street. They are going to try to lose me and I
7 am going to try to keep up with them. They are going to
8 stop someplace and jump out and run in behind a house or
9 something. I am going to jump out and run in behind the
10 house after them. This would be the way I felt about it.
11 It was more or less akin to this. He goes here and I am
12 right behind him. I say, "Stop, come back, we want to
13 tell you something." This was my opinion of it.

14 National Guard MR. LEUCHTER: You did get contrary orders
15 and orders that morning?

16 THE WITNESS: To stop going into the area,
17 yes.

18 Well, that night I took part in the
19 perimeter.

20 Q When you say that night, this would be Monday
21 night? A Monday night. It was my opinion then
22 that somehow I had gotten the confused thinking that the
23 perimeter was established because they didn't yet have a
24 plan, or didn't feel they had the manpower to go in and
25 do this. We were going to perimeter it until the proper

1 plans could be made. here was some kind of a

2 I went with the personnel carrier Monday night and
3 I reported out with them at eight o'clock. We were going
4 to stay until eight o'clock in the morning. At this time,
5 there was still some sniper fire and it was my opinion
6 at the time--and still is--that this fire that night that
7 we were drawing down at Plainfield and Front was fire
8 where nobody was trying to hit anybody. In fact, we
9 were trying to figure out where the bullets were going to
10 and coming from. They appeared to be going off to the
11 right up in the air. There was no real effort being made
12 to try to shoot anyone.

13 We then took up our station and I was there with the
14 National Guard. Our proper station then shifted to 5th
15 and Central. We were just there talking and there were
16 no lights, no street lights. One of my detective cars
17 came around the corner and said to me, "Well, did you
18 hear about the deal?" I said, "What deal are you talking
19 about?" He said, "I was out on the road and I just got
20 stopped by some little kid trying to come out of the
21 perimeter. When I asked him where he was going he said,
22 "I am going to get the hell out of here before these bad
23 people get out of jail." I said, "What do you mean?"
24 He said, "All these prisoners are coming back."

25 This officer went into police headquarters and found

1 out that allegedly there was some kind of a deal that
2 prisoners were going to be released, and for this the
3 carbines were going to be returned. Frankly, my impression
4 was that the officer that was telling me this didn't
5 have anything to do. There is a great esprit in the
6 detective bureau and there is a lot of needling going
7 around. I thought he was out there needling me, because
8 he left and the National Guardsmen and the State Troopers
9 said, "What was that that guy told you?" I said, "Nothing,
10 these guys are great needlers, don't believe it."

11 About half an hour later, another one of my cars
12 came back and he said, "Did you hear about the deal?"
13 I tell you, there was some pretty upset people including
14 the National Guard and the State Police. We just
15 couldn't believe it. They didn't want to believe it
16 and couldn't believe it, but shortly thereafter we
17 received orders that there was a caravan coming down
18 the street, that we were to let them through and not
19 ask any questions. They came to 5th and Central, turned
20 on Central down to 4th Street. As I say, there was
21 absolutely no lights. It was a dark night. We could
22 see silhouettes going back and forth. That was the
23 extent of our knowledge of what went on that night.

24 The next day I got back to police headquarters and
25 I was informed that this was some type of a deal and that

1 these people were released. I myself was pretty shocked
2 at the people that were released. It was explained to me
3 by Prosecutor Kaplowitz that he had arrived at the
4 decision to release the people by going through the
5 records and finding the ones with the most minor charges,
6 and these were the ones he agreed to release.

7 I said to him then, "Well, Mr. Prosecutor, some of
8 those with the most minor charges are the people that we
9 knew should be off the street and that is why we arrested
10 them. We didn't have a major charge for them."

11 Well, that is water over the dam. That is lack of
12 communication. Anyway, it was going to be a 48-hour
13 truce or a 72-hour truce. I was informed by the State
14 Police, by Colonel Kelly, that he didn't have much faith
15 in the plan and that at the expiration of the time when
16 these rifles were supposed to be surrendered, if they
17 weren't, we should be as well prepared as possible to go
18 after them. I spent the next 24 hours in gathering and
19 putting together all of our intelligence as to where these
20 rifles were located or could be located, and drawing a
21 map and pinpointing the different spots throughout the
22 city which showed probable cause that there were guns or
23 loot.

24 The main intelligence centered around the fact that
25 these rifles were hidden within the West End Gardens

1 housing project. This was very logical, very possible.
2 Nobody would pinpoint a specific apartment outside of
3 two or three and, this again is very logical. If I had
4 the guns and had a housing project to hide them in, I
5 would dump them from one place to the next. However,
6 there were other houses and other private residences we
7 had information on.

8 Well, the search was planned for the morning of the
9 19th. I believe I had five Plainfield men including
10 myself. Captain Campbell, Lieutenant McColgan and
11 Detective Drake were all assigned to a unit of the
12 National Guard and the State Police in order to act as
13 a scout, as their eye. We were familiar with the area.
14 We knew the lay of the land. We knew the people. We
15 knew the specific locations. The Guard and the State
16 Police didn't so it was just logical that one of us
17 would go along and say, "Not that house, this house."

8 Q Was your plan then to search every house or
9 search selective places?

0 A Selective places. The plan was completed down
1 in the CP room. This was eight o'clock in the morning
2 and one of the officers said, "I just heard on the radio
3 that you guys are going to search today." I said, "You
4 what?"

5 He said, "It is on the radio that the State Police

1 and the National Guard and the police are going to
2 search houses today." I said, "This is very nice, very
3 nice." By this time, we had lost so much face in the
4 community that it was terrible. Here we planned a move
5 to try to show the public that we were still in business,
6 we were not knocked completely out of the box, and we
7 are trying to recover the weapons and it is on the radio.

8 Well, the decision was not mine but the decision was
9 to go through with the search. The reason to go through
10 with the search, I imagine, was to show the people that
11 we weren't completely out of business, that there was
12 still law and order in the police department, and a
13 police department in the City of Plainfield, which some
14 of the city in the cordoned off area didn't believe,
15 because I had gotten more than one telephone call from
16 people saying, "What are you doing? Where are your
17 soldiers? When are you going to come and protect us?"

18 Anyway, the search got mounted. I agreed to ride
19 with Major Nowack in the lead jeep to show him how to
20 bring his troops around so that they didn't make any
21 bad moves and get scattered in the wrong directions and
22 so forth. As we came down 4th Street to the fire house,
23 I think there were two armored personnel carriers who
24 were supposed to join us. These armored personnel
25 carriers were to move out in line as they saw the major's

1 jeep approaching.

2 Well, as we continued on the personnel carriers
3 didn't move. Major Nowack kept giving them the signal to
4 start off and they didn't budge. As we passed them, we
5 entered the intersection of Plainfield and 4th, right
6 in front of the fire house, and a man stepped out into
7 the street. He had two or three other white men with
8 him. He held up his hand and said, "Stop in the name
9 of the Governor."

10 The major of the National Guard almost bust a blood
11 vessel. He didn't know what had occurred. He stopped
12 the jeep and this man said that he spoke for the Governor
13 and there would be no major search, it would be a very
14 limited token search.

15 Q Did the man identify himself?

16 A Yes, Mr. Ylvisaker. He was accompanied by two
17 men whose names I don't know, who worked for him. They
18 also had a group of colored men at the intersection there
19 that had handkerchiefs tied around their arms. I
20 recognized one man as Milton Campbell, the athlete. The
21 other one was Lynwood Cathcart, who I knew as a Muslim,
22 and William Rosch, an ex-Plainfield policeman who I had
23 a hand in having him leave the job. There was Franklin
24 Jackson, a numbers writer, and Cecil Jasper, common
25 criminals. There were other people in this group. I

1 was told that I would have to leave the group and that
2 one of these men with the arm bands was going to take my
3 place. They were observers and they were going to see
4 that the search was conducted properly. I asked why I
5 had to leave and I was told by Lynnwood Cathcart that I
6 had a badge. So, I took the badge off my jacket. Then,
7 I had guns. So, I took the guns off and handed them to
8 Mr. Tazerowski, who is an assistant prosecutor. Mr.
9 Kaplowitz, who is our prosecutor, and Colonel Kelly had
10 come up. It appeared to me that everybody was thoroughly
11 confused. They had no idea that this search was going to
12 be stopped.

13 Now, after I surrendered my guns, I was told by
14 Cathcart, Campbell and Jasper that still I could not go
15 into this area because I was too controversial. The
16 situation was too tense and my mere presence would touch
17 off a whole war again. I felt this was a lot of baloney
18 and I more or less said so, but I was told that I could
19 not go in there.

20 At this time, one of Mr. Ylvisaker's people had a
21 bright idea. He recommended to the Commissioner that
22 there was the fire house and it has half a dozen fire
23 engines in it. Maybe we could come to the community
24 more if we put the State Troopers and the National Guardsmen
25 on the fire engines to let them go down there and search.

1 Well, at this time I felt that I had seen a dozen
2 thugs stop the entire State of New Jersey. I saw a great
3 portion of law and order go right down the drain. As I
4 was not allowed in there, I had no duties. I was
5 thoroughly disgusted. I walked back to police headquarters.

6 That is about the size of the situation as I know it.

7 MR. GIBBONS: Did any representative of
8 the Plainfield Police Department participate in
9 discussions which led to the so-called truce?

10 THE WITNESS: Not to my knowledge, sir.

11 VICE CHAIRMAN BROWN: Were there any
12 searches made prior to this point where you
13 departed? Had there been any searches made?

14 THE WITNESS: No, sir.

15 VICE CHAIRMAN BROWN: None whatsoever at
16 this point except those in pursuit.

17 THE WITNESS: Except the three or four
18 made immediately on Monday morning.

19 VICE CHAIRMAN BROWN: You were in pursuit
20 of persons, weren't you?

1 THE WITNESS: Yes.

2 VICE CHAIRMAN BROWN: But no one searched
3 the housing development or pursued the so-called
4 plans.

5 THE WITNESS: That is correct.

1 VICE CHAIRMAN BROWN: Do you have any
2 knowledge as to why in a plan which was so
3 carefully thought out and where houses were
4 pinpointed, that they had not gotten search
5 warrants particularly with the prosecutor
6 riding in on the planning phase?

7 THE WITNESS: Well, sir, I could answer
8 it this way: Under the Governor's proclamation,
9 search warrants were not necessary. This would
10 have posed a tremendous extra burden in work.

11 VICE CHAIRMAN BROWN: How many houses
12 had you intended to search? Roughly 20, 30,
13 50 or what?

14 THE WITNESS: Right off the top of my
15 head, I would say 14.

16 VICE CHAIRMAN BROWN: What would have been
7 the extra burden in making out formal
8 affidavits and taking them down to one of the
9 judges and having them signed? How much time
0 would they take?

1 (Discussion off the record.)

2 VICE CHAIRMAN BROWN: There may be a good
3 reason why it wasn't done. Was it the fact
4 that you felt there might be some breach of
5 security or it might make it difficult to carry

1 out your mission?

2 THE WITNESS: No, sir. I will say this
3 though, that I was asked to assemble the
4 intelligence and pinpoint the spots, provide
5 the information to the National Guard and the
6 State Police. I was not asked at any time to
7 prepare a search warrant.

8 VICE CHAIRMAN BROWN: And the reason for
9 the decision, you had nothing to do with
10 whatsoever.

11 THE WITNESS: That is correct.

12 VICE CHAIRMAN BROWN: The question that I
13 put was in terms of your police procedures. Do
14 you think this would have violated your security
15 or made it difficult to carry out the mission?

16 THE WITNESS: At that time, sir, it
17 would have been a very time consuming process
18 for me personally and for my people.

19 MR. LEUCHTER: Lieutenant Hennessey, I
20 am interested in the time sequence on Sunday
21 afternoon. You had had a long Saturday night
22 and I think you testified before that you had
23 suggested that your men report back for duty at
24 eight o'clock on Sunday evening.

25 THE WITNESS: No, sir, six o'clock.

1 MR. LEUCHTER: Six o'clock on Sunday
2 evening. It was somewhere in the neighborhood
3 of six o'clock or shortly before that that you
4 received a phone call telling you to come down
5 right away. This was when you were at home.

6 THE WITNESS: I did not receive one, my
7 lieutenant came and got me.

8 MR. LEUCHTER: Was it somewhere around six
9 o'clock?

10 THE WITNESS: Yes, sir.

11 MR. LEUCHTER: My recollection of earlier
12 testimony before this Commission, I think on the
13 part of the mayor and the State officials, was
14 that some time earlier Sunday afternoon possibly
15 as early as three o'clock, Mayor Hetfield had
16 called the Governor asking for assistance. In
17 your recollection, even though you were not there
18 at the time, did you hear that?

19 THE WITNESS: Hearsay, and I will give you
20 the benefit of it. I have looked into it and I
21 have checked the records/and the Guard apparently
22 was called quite some time before I arrived.

23 MR. LEUCHTER: What mystifies me, Lieutenant
24 Hennessey, is how the man in a local police
25 department in charge of criminal investigation--

1 and I assume at this point midway through
2 Sunday you were rather a key man in Plainfield's
3 defense setup against disturbances--how you
4 could not even have been notified and even
5 consulted about anything while somebody else
6 was calling in the State National Guard and
7 the State Police. Things have to deteriorate
8 quite a bit before you call in the State Police
9 and the National Guard, and one would think
10 that if early Sunday afternoon disturbances had
11 started to grow, that at least Lieutenant
12 Hennessey would have been called in. Did
13 this thought occur to you?

14 THE WITNESS: Yes, it did, sir. I have no
15 idea why I wasn't called.

16 CHAIRMAN LILLEY: Lieutenant, it would
17 help me if you would give us the chain of
18 command in the Plainfield Police Department
19 and where you fit in.

20 THE WITNESS: Well, sir, normally the job
1 that I am holding now is held by a captain.
2 He saw fit to retire and leave the city on
3 July 14. I inherited the job temporarily until
4 a replacement was made, and since we have had
5 our disorder and our disruptions and some

1 headaches, the city government to this date
2 has not made the replacement. But, the chain
3 of command would be the Chief of Police, the
4 captain of the uniform division--

5 CHAIRMAN LILLEY: Captain Campbell?

6 THE WITNESS: Yes, sir. The captain of
7 the service division and the captain of the
8 detective bureau on an equal status, secondary
9 to the captain of the uniform division.

10 CHAIRMAN LILLEY: So, in this acting
11 capacity as you were, you would have looked to
12 the chief for communications concerning matters
13 such as Mr. Leuchter mentioned.

14 THE WITNESS: Yes, sir.

15 MR. LEUCHTER: It seems apparent that
16 the name of Lieutenant Hennessey is somewhat
17 of a red flag in the area of Plainfield in
18 which the disturbances occurred. Would you
19 care to give us your opinion as to why.

20 THE WITNESS: I don't like to think that
1 it is a red flag. I have caused grief to the
2 people that need grief. I will say this, that
3 it is a very thankless job, the vice squad,
4 in any police department. In 1963, the Union
5 County Grand Jury returned a presentment

1 against the City of Plainfield for its failure
2 to enforce gambling laws, for its failure to
3 make arrests in the field of lotteries,
4 bookmaking.

5 Now, at this time in October of 1963, the
6 Chief of Police gave the job to me and told me
7 that I would be the gambling investigator. I
8 got one or two members of the detective bureau
9 on a part-time basis, and we managed to
10 successfully investigate several gambling
11 operations and arrested people. But, I finally
12 convinced the chief, who was Chief Phillips at
13 the time, that gambling and narcotics are a
14 part of organized crime. They cannot be
15 investigated successfully on a piecemeal or
16 part-time basis. This is something that has
17 to be done continually day after day after day
18 if you want any success.

19 In March of 1965, the chief did create
20 the plainclothes unit in which he gave me three
21 officers of my choice. We were charged with
2 the investigation of gambling, narcotics, vice
3 and organized crime. From then until July of
4 1967, we operated very effectively. We made
5 numerous arrests, especially in the field of

1 lottery.

2 MR. LEUCHTER: Does that mean numbers?

3 THE WITNESS: Yes, numbers, and in the
4 field of narcotic violations.

5 Now, in our social order--and it is not up
6 to me, I didn't make it--the colored man is at
7 the bottom of the ladder in the numbers business.
8 It is a chance for a man to make extra income.
9 This is the highly prosecutable point of a
10 lottery operation, where the bets are taken,
11 collected, written up on the tally sheets at
12 the tally houses, from the writer to the drop
13 to the tally house to the bank.

14 Now, in Plainfield, we had men that
15 reached a fair plateau in the lottery business,
16 which is the controller. But, in Plainfield,
17 all of these men were colored men. You didn't
18 turn to white until you reached over here into
19 Newark and Jersey City where this stuff usually
20 comes from. I have tracked several operations
21 right here to Newark. As a consequence, most
22 of our gambling arrests were of colored men
23 for the lottery violations. Again, in our
24 social order for which I am not responsible,
25 the colored man in most instances is the hard

1 core heroin junkie, so many of our arrests for
2 narcotics fell on the shoulders of the colored
3 man.

4 I have no doubt that during our time that
5 we were able to operate we upset many very
6 lucrative operations. In 1963, there was the
7 Macchia-McDonald operation. To give you an
8 idea of how this thing works, a man named
9 Willy McDonald was a controller. I would say
10 he had a three to four thousand dollar a day
11 business. Now, for that, he must employ some
12 40 to 50 other colored men and women to work
13 for him. We don't like to hit the street
14 writers when we can hit the controller because
15 we like to get as high up as we can. With
16 the McDonald operation, we got Willy McDonald
17 and he went to jail for it. We tracked it
18 right up to his boss, Mr. Jack Angelo, and Mr.
19 Macchia up in Short Hills, New Jersey. We
20 got him arrested and fined \$50 for having some
21 Irish sweepstakes tickets.

2 In 1964, we broke up the King lottery.
3 The King brothers were again colored men in
4 Plainfield. We were successful in trailing it
5 over here to Newark and having their first rung
of the ladder busted over here, a man by the

1 name of DeCioco.

2 In 1965, we broke up the Mathis lottery
3 operation. Again, a colored man. In 1965,
4 we broke the Monahan bookmaking. Now, here
5 is where you get your white men. They are
6 the bookmakers but their business is much more
7 sophisticated. They don't have to maintain
8 these intricate records that the numbers people
9 do and they don't have to transport these
10 records back and forth among these several
11 places.

12 VICE CHAIRMAN BROWN: Was King ever tried
13 in Newark?

14 THE WITNESS: Yes, sir.

15 VICE CHAIRMAN BROWN: On the basis of that,
16 did you get a resentment from the Newark
17 community in general or did you merely get the
18 kind of resentment, as Ben said, the red flag
19 concept from the controllers.

20 THE WITNESS: This is a very peculiar thing,
21 sir. It wasn't from Newark, but from Plainfield.

2 VICE CHAIRMAN BROWN: I am talking about
3 Plainfield. Didn't the King thing originate
4 from Newark?

5 THE WITNESS: It originated in Plainfield

1 and we brought it over here to Newark.

2 VICE CHAIRMAN BROWN: But, you felt that
3 the headquarters or the heart of it was here
4 in Newark.

5 THE WITNESS: Definitely.

6 VICE CHAIRMAN BROWN: That is what I mean,
7 it extended into Plainfield.

8 THE WITNESS: Definitely. I even went
9 further than that. I went up there with the
10 prosecutor's office and hit the Molinaro barber
11 shop on Bloomfield Avenue. Local police just
12 don't do this, especially when it is Richie
13 Bolardo's barber shop. We didn't get anything
14 but at least we gave them a little trouble.

15 VICE CHAIRMAN BROWN: What was the
16 reaction from the Plainfield community on
17 this?

18 THE WITNESS: I never felt that there was
19 any animosity between myself and the numbers
20 people.

21 VICE CHAIRMAN BROWN: You didn't have any
22 reaction from them at all?

23 THE WITNESS: No, I don't think so.

24 VICE CHAIRMAN BROWN: This is just an
25 expected risk?

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THE WITNESS: Yes, it is like when you go and arrest a burglar, you might expect a fist fight. With the numbers person, it is like, "Well, we had our little game of checkers and you won this time."

VICE CHAIRMAN BROWN: It is a part of the community structure, really.

THE WITNESS: That's right.

VICE CHAIRMAN BROWN: How about this type of runner or controller, did you have any resentment from them?

THE WITNESS: I don't really think so.

VICE CHAIRMAN BROWN: Actually, you had no feedback from any of this.

THE WITNESS: No, I don't think so.

VICE CHAIRMAN BROWN: I think that may go to part of your question, Mr. Leuchter.

THE WITNESS: I always felt that there was a different type of relationship in gambling investigations. This is a game of chess, and sometimes you win and sometimes you lose. I feel that the people involved accepted it as this.

MR. LEUCHTER: Therefore, you, per se, Lieutenant Hennessey, would have been no more

1 resented than any other police officer.

2 **THE WITNESS:** Except by the narcotic
3 addict. These people do have a definite
4 resentment against police, especially ones
5 that have arrested them.

6 **VICE CHAIRMAN BROWN:** This is the junkie
7 himself, not the pusher.

8 **THE WITNESS:** No, not the pusher.

9 **VICE CHAIRMAN BROWN:** He resents being
10 picked up in what sense?

11 **THE WITNESS:** Let's not talk about the
12 fellow that takes a couple of pills. I am
13 talking about the hard core heroin addict who
14 has to subsist, and to subsist he has to steal
15 everything he can lay his hands on continually.
16 Therefore, he is at continual odds with the police.
17 He is being arrested for stealing; he is being
18 arrested for using narcotics; he is being
19 arrested for fraud; he is being arrested for
20 robbery. Each time that he is arrested, he
21 is usually what we call strung out. He is
22 addicted to the drug and we are depriving him
23 of it again. He has to cold turkey out of it.
24 It causes physical pain, so naturally with the
25 junkie, with the true junkie, the policeman is

1 his enemy just as if we were in a jungle and
2 you were stalking a lion. It has to be that
3 way.

4 VICE CHAIRMAN BROWN: In Plainfield, did
5 you find a large proportion of hard core
6 addicts or were you really dealing with a
7 group of let's say 15, 20 or 30 people?

8 THE WITNESS: Well, out of the 400 registered
9 narcotic users in Union County--this is to give
10 you a rough idea--Plainfield has over 100. We
11 have, as you say, a group, and it seems like a
12 continuous merry-go-round. We put him on this
13 side and they get off the next side.

14 VICE CHAIRMAN BROWN: This would be a minority
15 in the community that would be continually
16 involved, so there would not be that much spill-
17 over into the community from them. In other
18 words, they may say, "Here comes that damn
19 Hennessey," but that would be the hard core 100
20 or so.

21 THE WITNESS: It would be less than that.

22 VICE CHAIRMAN BROWN: It wasn't the general
23 community.

24 THE WITNESS: No, definitely not.

25 MR. LEUCHTER: On this Wednesday when you

1 were not permitted to accompany the group into
2 the area, in your mind was this because you were
3 a member of the Plainfield Police or because you
4 were Lieutenant Hennessey?

5 THE WITNESS: A little of both, that I was
6 a member of the police and they didn't allow any
7 members of our police force to go in.

8 MR. LEUCHTER: It would not have made any
9 difference what your name was.

10 THE WITNESS: No. Lieutenant McColgan was
11 three trucks behind me and he was put off.

12 MR. GIBBONS: You did have some particular
13 run-in with at least two of the group who were
14 with Mr. Yivisaker, I think you said Kosch and
15 Jasper.

16 THE WITNESS: Yes, sir, and another man
17 named Cook. Several of these people I have
18 arrested personally myself over the course of
19 years.

20 Q As long as we are at that point of the search,
21 what was your feeling as to its effectiveness? Did you
22 think it was going to be effective or not?

23 A No, I didn't. I couldn't truthfully say that I
24 thought it would be effective after it was on the radio
25 three hours earlier.

1 VICE CHAIRMAN BROWN: Did you ever pinpoint
2 that breach of security, or was it a breach of
3 security?

4 THE WITNESS: I believe that it was, sir. I
5 have formed a personal opinion but I have no
6 basis for it, so I would rather not give it.

7 VICE CHAIRMAN BROWN: Would it be a breach
8 of security within the department or a breach of
9 security--without naming persons--of those outside
10 the department working with you at that time?

11 THE WITNESS: Yes, sir, outside of our
12 department.

13 CHAIRMAN LILLEY: You mentioned that after
14 this conference that you left and I guess you
15 went back to police headquarters.

16 THE WITNESS: Yes, sir.

17 CHAIRMAN LILLEY: Did anything take place
18 among the Plainfield Police right after that?

19 THE WITNESS: Yes, sir. Some 40 officers--
20 I have never gotten the right count--but two
21 thirds of our force, the ones that were not
22 immediately on the road, gathered together in the
23 court room and they were going to resign en masse.
24 After we talked to them for a while, they stated
25 that they would not resign if Mr. Ylvisaker was

1 immediately replaced and left our city, and that
2 Colonel Kelly was put in charge of the operation
3 so it could be handled from a police point of view.

4 CHAIRMAN LILLEY: You say this was roughly
5 two thirds of the police?

6 THE WITNESS: Yes, sir.

7 VICE CHAIRMAN BROWN: You say that a captain
8 resigned July 14?

9 THE WITNESS: Retired.

10 VICE CHAIRMAN BROWN: I beg your pardon. I
11 understood that it was in the nature of moving out
12 under the pressure of these circumstances. Would
13 that be generally so or was he just retiring?

14 THE WITNESS: No, he had his time in.

15 VICE CHAIRMAN BROWN: This had nothing to
16 do with it?

17 THE WITNESS: No, he just hit it lucky, that's
18 all.

19 VICE CHAIRMAN BROWN: I didn't understand
20 whether that was true or not so it was just a
21 follow up on Chairman Lilley's question. I
22 thought maybe he had resigned as a result of the
23 pressure.

24 THE WITNESS: No, he had served his time and
25 he had made plans for that move for a long time.

1 VICE CHAIRMAN BROWN: You also stated that
2 after he resigned, you stepped in but there was
3 no replacement either because there was some
4 question of reorganization in city government or
5 some controversy within city government, or did
6 I misunderstand you?

7 THE WITNESS: You misunderstood me to this
8 degree, sir, that in the normal course of business
9 later on in the month of July, they had had a
10 Police Board meeting and they probably would have
11 taken care of the replacement right there.

12 VICE CHAIRMAN BROWN: That is what you would
13 have expected.

14 THE WITNESS: Right, that's what I would have
15 expected, that I would have been in that capacity
16 say no more than 30 days.

17 VICE CHAIRMAN BROWN: What was the reason
18 why? Was there some relationship to this inquiry
19 that you think it was not filled, or was it
20 something that has nothing to do with this?

21 THE WITNESS: No, I think that in city
22 government they just haven't gotten themselves
23 together yet over the July situation and they are
24 not functioning. I don't know why these
25 promotions have not been made.

1 VICE CHAIRMAN BROWN: I am not trying to
2 elicit anything but I think when you say something
3 it
4 you usually said/with some meaning, and as I
5 understand it, after this normal retirement you
6 moved in and then in normal circumstances there
7 would have been a captain put in, and you probably
8 would not have been in because you probably were
9 not eligible for Civil Service reasons, but since
10 that time, the government has functioned in such
11 fashion that it has not been able to take care of
12 this expected appointment in re-alignment.

13 THE WITNESS: Well, sir, I will say this:
14 There is a Civil Service list in effect. There
15 is a man due for promotion. They have had
16 Police Board meetings, but why they haven't acted,
17 I don't know.

18 VICE CHAIRMAN BROWN: What I am saying is,
19 do you feel that this kind of inaction is due to
20 the fact that city government since July has not
21 been able to encompass these details, this city
22 government function, and that the disturbance
23 has upset the government so that they can't
24 function?

25 THE WITNESS: I wouldn't want to answer that,
 sir. I can say that normally in the course of

1 city functions they have one Police Board meeting
2 per month. Now, I don't recall exactly which month
3 it was, either August, September or October, they
4 didn't even form a quorum so they could not have
5 a meeting, so that automatically put all the police
6 business off for a month.

7 VICE CHAIRMAN BROWN: So, you are not
8 suggesting that this is because of any disturbance
9 in government.

10 THE WITNESS: No, they just never got around
11 to it.

12 VICE CHAIRMAN BROWN: I understand that you
13 are functioning in your same pattern, that you
14 still go into the community and go in and out just
15 as you always did.

16 THE WITNESS: Absolutely.

17 VICE CHAIRMAN BROWN: You have had no problem
18 with anybody?

19 THE WITNESS: No, sir.

20 VICE CHAIRMAN BROWN: In fact, the reaction
21 of the major portion of the community is that you
22 get along pretty well.

23 THE WITNESS: I like to think so.

24 VICE CHAIRMAN BROWN: You function just as
25 you used to.

1 THE WITNESS: Yes, sir, but of course I will
2 say that our gambling arrears have completely
3 fallen off due to the lack of manpower.

4 VICE CHAIRMAN BROWN: I am talking about
5 your relationship, that hasn't changed at all.
6 Those who liked you still like you, and those who
7 don't like you, it is the same thing.

8 THE WITNESS: Yes, as it was before.

9 Q I think you have covered most of the area, but I
10 just have one line of questioning and that is to what degree
11 do you think the disorder in Plainfield was planned and to
12 what extent do you think it involves a hard core group
13 rather than a widespread feeling of discontent?

14 A I am going to try to answer that. I think that
15 the disturbance in Plainfield was planned to this degree:
16 I think there were at the most 30 to 50 thugs who never
17 felt that it would reach the proportions that it did.

18 MR. LEUCHTER: What was the limit that you
19 think they thought would happen?

20 THE WITNESS: That there were going to be
21 some stores looted and they were going to make
22 some personal gain out of it. I think that at
23 the beginning, it was only our people that were
24 involved. When I say our people, I mean
25 Plainfielders, and that the hard core were reform

1 that our school and prison graduates, drug addicts, and
2 citizens just generally little bums. Once they got it off
3 the ground--and as I say, we controlled the
4 situation very well on Saturday night--but once
5 that it was gotten off the ground outside agitators
6 took advantage of a situation and moved in. I
7 am sure of this. The indications that I have of
8 outside agitators begin on Sunday. They come from
9 our officers. This intelligence comes from our
10 colored officers. It comes from our citizens and
11 in other ways, and it is my opinion that one of
12 the groups that took advantage of this was the
13 thing and Muslims.

14 VICE CHAIRMAN BROWN: You pinpoint this as
15 Sunday?

16 THE WITNESS: Yes, sir.

17 Q When you say outside agitators coming in, do you
18 mean that in a physical sense people who were non-residents
19 of Plainfield came into Plainfield?

20 A Yes, sir, definitely.

21 Q Were they observed there by you or other people
22 who reported to you?

23 A By me personally, no. By other people who have
24 reported to me and by other policemen, yes. Now, very
25 interestingly, I just this past week picked up information

1 that our hospital on Sunday night, July 16, on their
2 citizens band radio intercepted messages allegedly between
3 a mosque from Elizabeth and a mosque from Newark. The
4 conversation was, "where are you going? I am going to
5 Plainfield. We are going to Plainfield. There is going to
6 be a hot time there tonight."

7 Now, we can say that anybody could say "mosque" on the
8 radio, but to me this indicates one specific thing. The
9 reason that I just learned about it is that it came in by
10 a chance conversation between a hospital officer and the
11 mayor. I followed it up. These people are not familiar
12 with police work, they are not familiar with this type of
13 thing and although "mosque" sounded a little odd to them,
14 they didn't put any significance in it at the time.

15 MR. LEUCHTER: As I recall, earlier this
16 morning you called Cathcart a Muslim, and Cathcart
17 had been in Plainfield all the time.

18 THE WITNESS: Lynwood Cathcart is a resident
19 of Plainfield.

20 VICE CHAIRMAN BROWN: He lived there all his
21 life, didn't he?

22 THE WITNESS: Yes.

23 VICE CHAIRMAN BROWN: This was a citizens
24 band broadcast monitored by them?

25 THE WITNESS: That's right.

1 VICE CHAIRMAN BROWN: On the 19th?

2 THE WITNESS: July 16, after four p.m. and
3 before eight p.m. They figured around seven
4 o'clock.

5 VICE CHAIRMAN BROWN: You just recently
6 learned this?

7 THE WITNESS: Yes, sir, just last week.

8 VICE CHAIRMAN BROWN: You learned last week
9 that it happened July 16.

10 THE WITNESS: Yes, sir.

11 Q Is it my understanding that it happened apparently
12 on two occasions and they have a tape of one of the
13 broadcasts but not of the other?

14 A Well, again we come back to this point that they
15 are not police. The tape that they have is of no value at
16 all. It is just some drunk that got on the wave band
17 somehow and sings a little and makes some remarks, but it
18 has no bearing to the riot situation as far as I am concerned.

19 VICE CHAIRMAN BROWN: So, you don't have a
20 tape.

21 THE WITNESS: No, sir, there was no tape with
22 that.

23 VICE CHAIRMAN BROWN: That said it was from
24 the Elizabeth mosque and a Newark mosque and there
25 is going to be a hot time in Plainfield?

1 THE WITNESS: That's right. The people said
2 they didn't recall it, but when they would say a
3 mosque, they would put a number with it which is
4 also in keeping with the Muslim. They didn't
5 recall the number but that it was mosque so-and-
6 so, number so-and-so.

7 MR. LEUCHTER: Lieutenant Hennessey, what in
8 your estimation is the total number of people who
9 participated in any way in the disturbance in
10 Plainfield, either in breaking windows, in looting,
11 in arson, in firing, in any way that you would
12 consider being involved in the disturbance?

13 THE WITNESS: Well, this is a little hard to
14 say. I would say that over all the entire amount
15 of people involved at one time could have gotten
16 up to maybe 250 to 300 people. Now, these are the
17 people that get swept up in the thing. There are
18 a lot of these people that didn't do anything more
19 than get drunk on free liquor and stand around
20 hollering in the street. You start from there and
21 get weaving backwards and you are going to come
22 back to these 50 or 60.

23 MR. LEUCHTER: The total number on top is 300?

24 THE WITNESS: I would say that is a good
25 estimate, yes.

1 MR. LEUCHTER: Out of a total non-white
2 population in Plainfield of perhaps 15,000 or
3 20,000.

4 THE WITNESS: I would say minimum 15,000.

5 MR. JAFFE: Lieutenant, if the parade on
6 Sunday afternoon, the rally, had not been prevented,
7 do you think that you would have been able to
8 control the situation or do you think it would
9 have gotten out of hand?

10 THE WITNESS: I will tell you, sir, I really
11 don't want to comment on this because all I know
12 is what I have heard later. The only thing I can
13 say to you is that at that time liquor stores had
14 been looted.

15 MR. JAFFE: Prior to the parade?

16 THE WITNESS: Well, sir, from Saturday night
17 they had liquor. There was much free liquor and
18 it was being consumed heartily all day. Now,
19 whether allowing the meeting would have just built
20 it up to a higher pitch or not, I don't know.

21 MR. JAFFE: Do you have any evidence that
22 there were any outside agitators, as you call them,
23 from other than the State of New Jersey?

24 THE WITNESS: Not really. I have a report
25 here on the 21st that the Cranford Police

1 Department stopped a car with two men in it who
2 when asked to come out of the car, came out
3 fighting in Muslim fashion. They were from
4 Philadelphia and they were heading for Plainfield.
5 Whether some Philadelphia people or New York
6 people came into the act, I really can't say.
7 There were outsiders of Plainfield.

8 MR. JAFFE: Do you have any information of
9 them stopping any groups of whites that were trying
10 to get in?

11 THE WITNESS: Motorcyclists. I might say
12 this, that on our over all arrests for the riot,
13 which would be a period say from July 15 to July
14 26, I believe there were numerous white people
15 sprinkled in there for concealed weapons, failure
16 to give a good account. We didn't draw any
17 barriers on that.

18 (Discussion off the record.)
19

20 VICE CHAIRMAN BROWN: Are you aware of a
21 meeting that Mayor Hatfield talked about in which
22 community relations people were quite vocal--as
23 I recall Mayor Hatfield's feelings--and some of
24 the persons who came in were quite loud and
25 destructive at the meeting, and later spilled over
into the street? In fact, one or two were arrested

1 subsequently when they went down on Front Street.
2 I think there were some windows that were broken,
3 also.

4 If you were not at the meeting, and had no
5 connection with it, you wouldn't understand what
6 was going on because you weren't there, but had
7 you been there, you would be able to give the
8 kind of information I am asking for.

9 MR. FORTUNATO: I am not sure we are getting
10 the answer in the record from the witness.

11 VICE CHAIRMAN BROWN: I haven't made clear
12 what my position is so he can't answer. My thinking
13 is that perhaps had you been present at that
14 meeting it is possible you could have tied some
15 loose ends together. Would that be a correct
16 assumption?

17 THE WITNESS: Yes, I would say this, that I
18 could possibly have identified the people and
19 their background for whatever value that would
20 have been to the person that had to make a decision.

21 VICE CHAIRMAN BROWN: The next thing I would
22 like to ask is are you now familiar with the
23 meeting I am referring to with Mayer Hetfield and
24 the community relations people?

25 THE WITNESS: In City Hall?

1 VICE CHAIRMAN BROWN: Yes.

2 THE WITNESS: Yes, but all I know is hearsay.

3 VICE CHAIRMAN BROWN: Prior to this meeting
4 in City Hall, were you ever brought in on any of
5 the conferences relating to human rights and so
6 forth?

7 THE WITNESS: Only the meeting on Friday
8 afternoon in police headquarters which dealt
9 primarily with the teenage center and human
10 relations people, and the same thing on Saturday.
11 Outside of that, no.

12 VICE CHAIRMAN BROWN: Has there been any
13 increase in coordination between city government
14 and people with police intelligence since then?

15 THE WITNESS: I hope so.

16 VICE CHAIRMAN BROWN: You don't know yet?

17 THE WITNESS: No.

18 VICE CHAIRMAN BROWN: Would you know that if
19 a similar situation arose that you and your
20 conferees, particularly the detective bureau,
21 would be brought in to confer?

22 THE WITNESS: I don't know, sir, but I
23 certainly hope so.

24 VICE CHAIRMAN BROWN: But, as of now there
25 has been no conversation, no organizational

1 information that would indicate that you would be.

2 THE WITNESS: No, sir.

3 MR. LEUCHTER: Lieutenant Hennessey, going
4 back a little bit earlier this morning, you
5 mentioned that way back in May you had gotten a
6 report that there might be some trouble and you
7 gave a variety of reasons as to why Plainfield
8 might be selected for that trouble. One of the
9 reasons was the alleged--in your words, I think--
10 the alleged poor police-community relations.
11 Now, was it a poor police-community relation
12 orientation--not being critical of any one person--
13 but was the feeling bad between the two groups?

14 THE WITNESS: I don't think so.

15 MR. LEUCHTER: You do not?

16 THE WITNESS: No more than any other city
17 of our size with our population make-up, with our
18 size of a police department. I would say that we
19 were just plain average.

20 MR. LEUCHTER: Could you recommend to us,
21 from a vantage point of a policeman who works in
22 the community, of any steps that could be taken
23 to improve the feeling between the police who have
24 frequently distasteful jobs to do and the
25 community in which these distasteful jobs take

1 place?

2 THE WITNESS: Well, the thing would be that
3 there has to be continued education in the field
4 of human relations. The policemen have to
5 understand this, but also the public has to
6 understand that some day they are going to have
7 to understand the policeman a little bit, too.
8 There are areas that can be reached into by the
9 police. Police should have a professional public
10 relations man. I don't know of any department
11 outside of the bigger ones that can afford
12 something like this, but they should have community
13 representatives in different community
14 organizations. But, again, you are calling on
15 the officer to do this on his own time. There
16 are new fields, there are new avenues that we are
17 going to have to explore but we are never going
18 to eliminate complaints of police brutality. We
19 are never going to eliminate the hostility by the
20 criminal against the authority that tries to
21 govern it. That just can't be done.

22 VICE CHAIRMAN BROWN: You mentioned the fact
23 that with respect to certain intelligence on
24 outside persons coming in, certain Negro police
25 officers were prominent in giving you information.

1 THE WITNESS: Yes, sir.

2 (Discussion off the record.) VICE CHAIRMAN BROWN: Is there any particular
3 Negro officer whom you think might be able to give
4 specific information on this, since your role was
5 a matter of giving secondary reports?

6 THE WITNESS: I don't know if this would be
7 of sufficient value to warrant you wanting to
8 speak with the man, but there are two reports
9 here from one of our newer officers, Patrolman
10 Donald Tucker. It might save you the
11 inconvenience of calling him in if you read these
12 reports.

13 (Discussion off the record.)

14 MR. FORTUNATO: We will put the following
15 reports in evidence: C-60 will be a report by
16 Patrolman Tucker dated July 22, 1967. C-61 is
17 a report by Patrolman Tucker also dated July
18 22, 1967. C-62 is a report by Patrolman Lee
19 dated July 21, 1967.

20 (Two reports by Patrolman Tucker marked C-60 and C-61 in
21 evidence. A report by Patrolman Lee marked C-62 in evidence.)

22 CHAIRMAN LILLEY: That's all, Lieutenant
23 Hennessey, thank you very much.

24 (Vice Chairman Brown now Acting Chairman.)
25

1 ROBERT F. KITZLER, sworn.

2 (Discussion off the record.)

3 VICE CHAIRMAN BROWN: The record should
4 indicate that Sergeant Kitzler has 18 years with
5 the State Police, 15 years in criminal investigation
6 as a detective and three years in uniform. He
7 also has four years regular Navy duty. Part of
8 his duty assignment has been civil rights
9 investigation in 1967.

10 EXAMINATION BY MR. FORTUNATO:

11 Q Can you tell us what part you played in connection
12 with the disorder in Plainfield.

13 A In Plainfield?

14 Q My understanding is you were on your way to Newark
15 some time mid-Sunday afternoon.

16 A That is correct.

17 Q July 16.

18 A That is correct.

19 Q You went on to Newark by way of Plainfield.

20 A Yes.

21 Q Can you tell us about what time that was on
22 Sunday?

23 A Approximately 3:30 in the afternoon. I had been
24 relieved of my duties at the Newark riot and I went home
25 to the Lakewood, New Jersey area to get a change of