

Whereupon, [redacted] and [redacted] in [redacted].

PAUL N. YLVISAKER

AND

JOEL H. STERNS

called as witnesses, duly sworn, testified as follows:

EXAMINATION

MR. JAFFE: Mr. Ylvisaker has informed

the Commission that he has with him a statement of the chronology of the events as he recollects them in Plainfield. I have informed Mr.

Ylvisaker that the Commission is primarily interested in his activities in Plainfield during the month of July of 1967 at this time. He has testified on previous occasions about many other matters of interest to the Commission.

I have asked Mr. Ylvisaker to give us that statement which will be made part of the record of this Commission, and I wonder if at

this time we can mark it in evidence and have Mr. Ylvisaker summarize for us the contents of the statement and his participation in the Plainfield situation.

(EXHIBIT NO. C-64 WAS RECEIVED IN EVIDENCE.)

WITNESS YLVISAKER: Thank you, Mr. Jaffe. I have asked that Joel Sterns with me also be sworn to describe at the appropriate time his

place and his role in it.

Let me go back roughly over the chronology as I recall it as the statement brings it out.

MR. JAFFE: Off the record.

(Discussion off the record)

WITNESS YLVISAKER: My role in the Plainfield thing begins very early on Monday morning.

By Mr. Jaffe:

Q That would be July 17?

A Yes. Let me first state where we were and the mood of the situation. We were at that time for the second day in the command post at Newark. We had reached there where we were faced with what I would describe as over-escalation and the mood at that time was how can we begin to reduce the provocation to further conflict in Newark.

May I go off the record?

(Discussion off the record)

WITNESS YLVISAKER: We were at that point in Newark at the decision to de-escalate and to try to invite the community back onto the streets under a normal pattern of living. Normalcy, we feel, at that point was the greatest protection we had against further

1 conflict and provocation.

2 In these discussions I had participated
3 with the Governor, with Colonel Kelly, and
4 with others on the Governor's staff and my
5 staff. Clearly we had reached that point where
6 our concern now was with having established
7 basic security, the streets secure and the rest.
8 We now wanted to reduce the provocation, work
9 with the community and Colonel Kelly, and we
10 had established what I thought at this time
11 was a very good working relationship.

12 Certainly the Governor was finding the value
13 of having our department involved because we
14 did have access to some members of the commu-
15 nity. We had an outlook which, because of our
16 function, was more to the point of getting
17 discussions going, listening to grievances and
18 seeing about the longer term prospects after
19 the violence had subsided.

20 So this is the mood: a great concern about
21 trying to temper the situation. I had been with
22 the Governor that night and quite late and went
23 back to the Robert Treat Hotel, I think probably
24 had not gotten to bed until about three o'clock
25 in the morning, and with me Mr. Joel Sterns and

1 Jack Gleason of my staff. One of the persons whom
2 I saw It was about five o'clock in the morning
3 when I got a call from Larry Bilder, the
4 Governor's secretary, very urgently saying,
5 "You have got to get in Plainfield and you have
6 got to get going to establish some kind of
7 communications with the community over there
8 and continue the kind of work you have been
9 doing in Newark." I went with Joel Sterns and Jack
10 Gleason I called Joel Sterns immediately and Jack
11 Gleason and between five and six o'clock in
12 the morning, and at the same time called back
13 some of my staff in Trenton to find out who we
14 might have who could go into the community,
15 obviously Negro, and establish some kind of
16 communications. I went to Plainfield after some ques-
17 tion. The reason I was calling for additional
18 personnel was because we were overcommitted in
19 Newark. In those forty-eight hours we had
20 drawn one after another from our staff in the
21 Newark situation. For example, Jim Blair, who
22 had been in Newark, came over there and helped
23 us with many of the negotiations, working
24 directly with the Governor. Jim was fully tied
25 up and our staff was fully tied up in Newark.

1 I needed somebody else. One of the persons whom
2 I consulted mentioned Don McDonald whom I had
3 not met up to this point. He had been hired by
4 the State OEO before I came on as commissioner,
5 and it was told to me that he had done some very
6 effective work of this kind in Watts. I got
7 hold of Don McDonald and two other people and
8 then went down to breakfast, having alerted
9 McDonald, went down with Joel Sterns and Jack
10 Gleason to meet with the Governor, Colonel Kelly
11 and others. staff went down to Plainfield, the

12 precipitating Colonel Kelly had been sent that night to
13 secretary Plainfield after the policeman had been brutally
14 beaten to death, and he had to find out what the
15 and start situation was. By this time he had put the
16 Kelly say State police into Plainfield after some ques-
17 a joint wotioning whether it was necessary. ily under

18 instructions no At breakfast that morning Colonel Kelly
19 of Colonel briefed us as to what the situation was in
20 went over Plainfield. There had been at this time firing
21 in the firehouse. There had been the murder of
22 the policeman, and we went through the details
23 of it with him. He was pretty well exhausted,
24 and after that briefing went to bed. Joel and
25 Jack went almost immediately to Plainfield where

1 they reconnoitered with John Martin of our
2 staff, Don McDonald and Mrs. Warlock, my
3 administrative assistant who lived in Plainfield.

4 At this point probably Joel could briefly
5 summarize the events of that day because he is
6 in charge now in Plainfield. I have gone back
7 to the command post in Newark and actually
8 remained in Newark until later that afternoon.
9 Probably, Joel, you ought to take it.

10 By Mr. Jaffe: recently before the decision was

11 Q Before your staff went down to Plainfield, the
12 precipitating factor was the phone call from the Governor's
13 secretary? out, normalcy would resume. People were busy

14 A Yes, Larry Bilder, who said we had to move in
15 and start the communications, the Governor and Colonel
16 Kelly saying that we are now going to have this kind of
17 a joint working relationship, and it is really under your
18 instructions now from the Governor, with full knowledge
19 of Colonel Kelly and his willing participation, that we
20 went over to Plainfield.

21 Q Mr. Sterns. YLVISAKER: No, I cannot say I did.

22 I was MR. DRISCOLL: Getting back to the command
23 post in Newark, who was in actual command?

24 WITNESS YLVISAKER: The Governor, and in
25 no uncertain terms, I might add.

1 MR. DRISCOLL: Was it quiet and orderly?

2 WITNESS YLVISAKER: By this time?

3 MR. DRISCOLL: Yes.

4 WITNESS YLVISAKER: Yes. As a matter of
5 fact, within twenty-four hours of this time I
6 think they left the command post.

7 MR. LEUCHTER: This is now Monday?

8 WITNESS YLVISAKER: The decision had been
9 made that night. The exact chronology escapes
10 me, but very recently before the decision had
11 been made to begin removing the targets from
12 the sniper fire on the assumption if you pulled
13 out, normalcy would resume. People were hungry
14 and tired, and there were all the forces that
15 would go with you in that case.

16 MR. DRISCOLL: You mentioned sniper fire.
17 Did you ever with your own eyes see or with your
18 own ears hear sniper fire? certainly remember

19 WITNESS YLVISAKER: In Newark?

20 MR. DRISCOLL: Yes.

21 WITNESS YLVISAKER: No, I cannot say I did.
22 I went through all the areas. I came in this
23 on forty-eight hours before, had ridden with
24 troopers from the Newark Airport down to the
25 command post. Most of my work was in the command

1 post. conditions, but that was mostly on the
2 side. The reason I hesitated, I was trying to
3 recall on any of those drives in or out whether
4 I had actually seen or heard any action of this
5 meeting or kind. Certainly I never saw a sniper. On
6 several occasions I do remember fusilades going
7 where we were as I went through the city. You could hear
8 of the occasional rifle crackle, but I presume most
9 of this was the National Guard or whatever
10 the answering fire. At no point did I stand or
11 had taken watch or hear something I could identify as a
12 or identify sniper. But most of my time was in the command
13 that night. Would we find any people in the community
14 who would know MR. DRISCOLL: In the command post did you
15 who are to hear any authorization for the National Guard
16 etc. He is to deliver rifles to the State police, and get
17 in touch with ammunition? Churkin who was in charge of the
18 State police at WITNESS YLVISAKER: I certainly remember
19 8:00 A.M. none of that. I was mostly concerned with the
20 Warlock arrangements that had to be got forward on the
21 department emergency food distribution, on getting the
22 members of the community with armbands to get
23 from houses out in the streets and to begin trying to calm
24 both the residents. We had been down in City Hall
25 Martin, at a meeting which had been arranged to set up

1 of economic such conditions, but that was mostly on the
2 some know civilian side and not on the military.

3 to try and By Mr. Jaffe: the people who were involved in that

4 Q Mr. Sterns, you were going to relate to us the
5 meeting on Monday morning in Plainfield.

6 A (Mr. Sterns) I guess I pick up at the point
7 where we were briefed by Colonel Kelly in the dining room
8 of the Robert Treat Hotel. He went over the situation
9 and things that had happened the night before, including
10 the theft of the rifles and the area in which the violence
11 had taken place, concerned that there was no communication
12 or identification; nobody knew what was going to happen
13 that night; could we find any people in the community
14 who would know what the feeling of the community was,
15 who are the ringleaders, was this likely to happen again,
16 etc. He showed us a map of the area. He told us to get
17 in touch with Captain Ghurkin who was in charge of the
18 State police at Plainfield when we arrived. We left at
19 8:00 A.M. or 8:30 A.M. and went first to the home of Mrs.
20 Warlock who lives in Plainfield, is a member of our
21 department, and was a convenient place to meet.

22 There, in addition to Mr. Gleason, who dropped up
23 from Newark, with me were Mr. McDonald and Mr. John Martin,
24 both employees of our department. I asked McDonald and
25 Martin, who had both been involved, had come to the Office

1 of Economic Opportunity, were employees of it and who had
2 some knowledge of the local community action organization,
3 to try and search out the people who were involved in that
4 organization. There had been some stuff about education.
5 As a matter of fact, the same Title I that was talked
6 about a little bit earlier was a problem, and Martin had
7 been one of the principal people there working out there.
8 So they went off to try to look up members of the
9 organization, and Mr. Gleason and myself went over to the
10 police station. We talked to Captain Ghurkin who told us
11 essentially nothing more than what Colonel Kelly had said,
12 and that they didn't know what to expect that night, but
13 they were prepared for more rioting, etc. and happened. We
14 We talked to the local desk officer. There was no
15 help in terms of knowing any place to turn from our point
16 of view. We rode through the area. The area was not
17 sealed off. We were able to ride through, see some of the
18 damage, did not see any people on the street or anything
19 of that nature. The only lead we had to follow up was a
20 David Hardy, who was a reporter for the Plainfield Courier,
21 who had been on television the night before and had made
22 some statements in the press about the nature of the
23 rioting and said he had lived within the area. We went
24 to seek him out. He was willing to go into the area and
25 I am telescoping the whole morning's events. If you

1 want the detail, I can give it, but I am trying to hit
2 the highlights.

3 We finally caught up with him after some looking
4 when he came into his job at the Plainfield Courier at
5 noon. He gave us a rather detailed exposition of what
6 he thought the problems were, and he gave us the immediate
7 proximate cause of the rioting was the fact that a group
8 of people had been chased out of the county park where they
9 were trying to hold a protest meeting and they did not
10 have a permit and that was sort of a last resort. When
11 they couldn't meet in protest, they decided to hell with
12 it and they were really going to go to town.
13 We knew some of the details of what had happened. We
14 asked him if he could identify any people in the community
15 who were more or less -- first we talked about ringleaders,
16 who had stolen the weapons. He didn't have anything to
17 say on that.

18 Secondly we talked about people who possibly knew the
19 mood of this community, that is, the cordoned off area
20 and what might happen. He mentioned a few names, and I
21 think the names are in the Commissioner's statement or we
22 can provide them. One, a young person, a student
23 president of the NAACP, a couple of other people. He
24 indicated he would be willing to go into the area and
25 find out what was going to happen.

1 We immediately called McDonald who at this time was
2 back at Mrs. Warlock's house. They couldn't find anybody,
3 they didn't have any real light to shed from any of the
4 CAP people. We asked McDonald to meet us there. McDonald
5 and Hardy went off to the area to see what they could find
6 out about the status of things. Mr. Gleason and I went
7 back to the police station.

8 The next significant thing really was that Colonel
9 Kelly arrived again at about, I would say, two-thirty,
10 someplace mid-afternoon, had gotten an immediate briefing
11 on the situation, preparations, plans for the kind of line
12 that they would put up that evening. They determined at
13 that point in the briefing that there would not be anybody
14 going into the area that night; that they would cordon off
15 the area, patrol around it, prevent access but not
16 actually patrol the area. That is the most significant
17 thing I remember at the briefing.

18 Towards the end of it the mayor came downstairs with
19 a councilman, a Negro councilman, Judkins I think it was,
20 and Judkins had apparently come in with a couple of boys
21 who lived in the community and they wanted to see the man
22 in charge, Colonel Kelly, and would Colonel Kelly see them.
23 Colonel Kelly said that he didn't want to speak with them
24 but would Jack Gleason and myself go upstairs on the second
25 floor of the police station and see what was up.

1 for We talked to them briefly, and one of the things
2 that piqued our interests, one of the two boys was this
3 youth NAACP leader, Bobby Johnson I think, whom the
4 reporter had mentioned to us. Essentially they gave us
5 enough information to know the community was very afraid
6 of what was going to happen that night; that they wanted
7 to be peaceable; that they wanted to hold a large meeting
8 at the Youth Center in the neighborhood there, but they
9 wanted to have assurances from Colonel Kelly, the man in
10 charge, to the effect that there wouldn't be any police
11 riding through the area that night and they would allow
12 them to hold this meeting, etc. But they insisted -- maybe I am getting a little
13 ahead -- they only wanted to talk to Colonel Kelly, not
14 anybody else, not the mayor or the councilman.

16 We went down and talked to the Colonel about this,
17 and he was very hesitant to get into this. He said it
18 was against his general policy in any kind of situation,
19 that he didn't feel he could talk to these people. The
20 mayor asked him very strongly to talk to them. We indi-
21 cated that we thought he should talk to them.

22 So he did go upstairs and talk to them and then what
23 I related came out, that they wanted to have a meeting at
24 the Youth Center; they wanted to be able to hold that
25 meeting freely. They wanted to know about the arrangements

1 for that night. They were trying to avoid bloodshed.
2 They thought there was fear in the community there was
3 going to be bloodshed, not started by the community but
4 there might be some offshoot by some drunk or hophead,
5 and this would start a whole bloodbath, they were trying
6 to prevent it.

7 Colonel Kelly gave them permission to hold the meeting
8 and told them that they had a great responsibility. I
9 remember Mr. Gleason and myself were very much impressed
10 with Kelly's statement to them. He talked to them
11 straight and said, "Look, I am an officer who has a job
12 to do here. There were forty-six rifles stolen and a
13 policeman killed. I want to do that job and you can be
14 a bridge," that kind of talk, and he told them to go back
15 and hold their meeting.

16 MR. DRISCOLL: You were present when
17 Colonel Kelly made this statement?

18 WITNESS STERNS: Yes. I was present. The
19 mayor, the councilman, two young men and Mr.
20 Gleason and myself. They went off to hold the
21 meeting and shortly thereafter Mr. McDonald
22 and Mr. Hardy -- I should stop here.

23 One of the key things about the meeting
24 they said is they wanted a chance, one of the
25 things they wanted was a chance to vent some

1 grievances, be able to talk to some people and say this
2 is what was wrong, whether housing, education, etc., and
3 that what would come out of this was some kind of
4 committee to meet. Commissioner Ylvisaker was still in
5 Newark and we were keeping communication by telephone.
6 He was either calling at this time or I called him. I
7 don't remember what the situation was, but it was during
8 the course of this meeting with these young men or just
9 afterward. a meeting at the South Center, when the other

10 I suggested to him that since there was possible
11 going to be this kind of grievance procedure he ought to
12 maybe come to Plainfield or plan to come at that time.
13 He said he was rather hesitant to do that, and he asked
14 to talk to Colonel Kelly. Colonel Kelly was in the midst
15 of this meeting. Then the Commissioner asked me to get
16 from Colonel Kelly explicitly his judgment as to whether
17 or not Commissioner Ylvisaker should come to Plainfield.

18 I went to the Colonel and I said that the Commissioner
19 was on the line. I know he said, "Yes, I want him to
20 come." I don't remember whether he talked to you at this
21 time. He sent him with Jack Gleason of our department

22 to a COMMISSIONER YLVISAKER: I don't recall it
23 either, but I will go back over that.

24 was a WITNESS STERNs: The Colonel did also talk
25 to the Governor within ten minutes of that

1 conversation. He said, "Yes, there may be a
2 situation here where he ought to come and right
3 away." This was in the are of three or four
4 that afternoon.

5 Shortly after this session took place
6 McDonald and Hardy came back to the police
7 station, the newspaper reporter, and they re-
8 ported roughly the same thing, that there was
9 a meeting at the Youth Center. When the other
10 people went back to start up the meeting
11 Colonel Kelly was somewhat concerned about the
12 fact that this sounded like a mass meeting.

13 It didn't turn out to be more than a couple of
14 hundred people, but it sounded like it might be
15 one thousand people and he wanted to take some
16 precaution that the thing did not get out of
17 hand; that it wasn't the excuse to rally people.

18 He did send one of his officers, who I
19 believe was a National Guard officer as well as
20 a State policeman. I believe his name was Novak.
21 He sent him with Jack Gleason of our department
22 to a nearby post just on the perimeter that
23 they set up to stand by in case either there
24 was a problem that had to be taken care of or
25 there was a confrontation that the people wanted

1 where they wanted to talk to Gleason or Commis-
2 sioner Ylvisaker if he got there. This was
3 set up.

4 At the time McDonald and Hardy came back
5 they reported the same thing from a different
6 point of view; that a number of people contin-

7 ued to get together and what the people wanted

8 to do was to appoint a representative committee

9 and come back and meet with the mayor and

10 which you council and state officials and to lay their
11 the Plain grievances on the table. Essentially it was
12 to search the same thing.

13 A (Mr. They also came into this with one of the
14 present officers of the Plainfield Human Relations
15 contact with Commission, a fellow whose name is Harris, but
16 were very I am not sure, and we related to either

17 Colonel Kelly o COMMISSIONER YLVISAKER: Charles Miller.

18 I don't remember WITNESS STERNS: They took this meeting
19 officers. that the other young men had set out and turned
20 Plainfield it into a structured thing where you would come
21 out with a committee representing the
22 neighborhood to give grievances at another
23 meeting with the mayor and the city council and
24 state officials. This was going ahead at the
25 Youth Center, and it was agreed there would be

1 a meeting at the City Hall later with repre-
2 sentatives. STERNS: There is some that I

3 About this time Commissioner Ylvisaker
4 arrived and the Attorney General arrived shortly
5 thereafter. DRISCOLL: But you are testifying now

6 By Mr. Jaffe:

7 Q What time was that? I should definitely

8 A (Mr. Sterns) In the area of five to five-thirty.

9 Q Was there any discussion up to this point in
10 which you were present or which you overheard whereby
11 the Plainfield police department had expressed a desire
12 to search for weapons? YLVISAKER: Colonel Kelly reported

13 A (Mr. Sterns) There was nothing where I was
14 present that this took place. I was very little in
15 contact with Plainfield police officers. The State police
16 were very much in charge, and we related to either
17 Colonel Kelly or Captain Churkin or a Captain Seidler --
18 I don't remember his exact name, the two commanding
19 officers. I personally had very little contact with the
20 Plainfield police.

21 MR. DRISCOLL: On three occasions you
22 referred to the theft of the rifles and the
23 stolen rifles. Is there any evidence that your
24 department has or any evidence that the State
25 of New Jersey has that there was this theft of,

1 rifles or that rifles were stolen?

2 WITNESS STERNS: There is none that I
3 directly have. This was the assumption we went
4 on because it was the first thing told us.

5 MR. DRISCOLL: But you are testifying now
6 there was a theft.

7 WITNESS STERNS: I should definitely
8 correct myself.

9 MR. DRISCOLL: And rifles were stolen.

10 WITNESS STERNS: I have no knowledge
11 except what I gathered from Colonel Kelly.

12 WITNESS YLVISAKER: Colonel Kelly reported
13 it to us there had been a theft of the rifles.

14 MR. DRISCOLL: His was hearsay also?

15 WITNESS YLVISAKER: I agree.

16 WITNESS STERNS: Any comment I have made
17 is just information passed on to me. I have
18 no knowledge whatsoever.

19 MR. LEUCHTER: May I further emphasize
20 your question?

21 MR. JAFFE: Please do.

22 MR. LEUCHTER: The Plainfield Police, and
23 among them was Lieutenant Hennessey in his
24 testimony before us told us that someone pre-
25 vented them or gave them orders or inhibited

1 them in some way from conducting their search
2 for the allegedly stolen rifles on Monday
3 morning, if my memory serves me correctly, a
4 very definite inference for me, and I can't
5 speak for the rest of the Commission, being
6 that these were State officials who dissuaded
7 them from conducting this search, and I have
8 the further inference these were civilian State
9 officials, not State police officials.

10 So I would like to ask you again if there
11 was any conversation between civilian members
12 of the State government or, specifically, the
13 two of you here with members of the Plainfield
14 Police Department vis-a-vis their planned
15 Monday morning search for these rifles.

16 test WITNESS STERNS: I am in a position to
17 categorically talk about what went on as far as
18 the Department of Community Affairs is concerned
19 from the time we arrived, which was approximately
20 eight-thirty Monday morning, throughout the
21 balance of the entire events of Monday going
22 until four-thirty Tuesday morning, which was the
23 span of my time there. I can say categorically
24 that no member of the Department of Community
25 Affairs, and I think I speak for the Commissioner,

1 had any contact whatsoever with any Plainfield
2 police at this point, and that no member of the
3 Department of Community Affairs gave any kind
4 of order or even advice pertaining to any kind
5 of search for weapons at that time to the State
6 police or to the Plainfield police, nor were
7 we asked for any advice, and I would be most
8 definite on that point.

9 MR. GIBBONS: You arrived at eight-thirty?

10 WITNESS STERNS: Yes.

11 MR. GIBBONS: You were the first on the
12 scene from your department?

13 WITNESS STERNS: That's right.

14 MR. GIBBONS: Then it could not have been
15 anyone from this department because Hennessey's
16 testimony was that the time that they had in
17 mind was at dawn.

18 MR. LEUCHTER: Monday morning.

19 WITNESS YLVISAKER: I do have this memory:
20 Joel and I had conversation twice during that
21 day. I was in Newark, and now the time was
22 when the Governor and I were talking about the
23 need to get the federal government involved with
24 this. I was clearly to be the federal aid getter
25 and coordinator. I had, on his instructions, a

1 couple of days before very early on one of
2 those mornings awakened the United States
3 Attorney General out of his sleep to alert him
4 to what was going on in Newark. We got the
5 Red Cross mobilized through the Office of
6 Emergency Planning in Washington. We got
7 several federal officials coming into Newark
8 to begin talking about post riot aids and the
9 rest.

10 I was heavily occupied that day with
11 preparations to go to Washington the next day,
12 which I will describe in a minute. But I
13 recall having at least two conversations with
14 Joel Sterns on the phone. The first one
15 sometime in the morning, and Joel, you can
16 correct me on this, but I have a memory that
17 you had passed along some information that they
18 were talking now about moving in and searching
19 the area, and at that point, "Look, if it has
20 got to this" which was going to be a confron-
21 tation again, "we don't belong in that situation."

22 WITNESS STERNS: I remember that. It was
23 in the afternoon. There had been a rumor that
24 had come back to Newark that the State police
25 were massing and they were going to move in on

1 a block by block search of the area, you called
2 me at the time and said, "Is this true?" This
3 was at the very moment Colonel Kelly was
4 telling these young men they could go and have
5 a meeting and the State police were not
6 intending to move any place, move into or patrol
7 the area.

8 You did call and say, "Maybe we shouldn't
9 be there; it is going to be completely a
10 police operation." I said, "No, this is as
11 far from the truth as it could be. Colonel
12 Kelly is talking to these young men." But I
13 think that rumor did get to Newark.

14 WITNESS YLVISAKER: It was a matter of
15 some concern to me. I want to stress here
16 throughout this whole time in Newark and in
17 Plainfield until a moment I will describe my
18 impression was that Colonel Kelly and we were
19 working very well together, and the Governor
20 was very happy with the arrangement. So at no
21 time during this period, with the possible
22 exception that I will describe, was there any
23 anything back and forth between us. I came to have a
24 great respect for Colonel Kelly during that
25 time, and certainly he indicated the same thing

1 and there in return. The second conversation we had was the one
2 meetings with The second conversation we had was the one
3 Joel reported when I would guess some time
4 community around three o'clock in the afternoon, or
5 projects, three-thirty Joel did say, "Look, Commissioner,
6 of things. it has come time when we now do play our role"
7 because the community meeting was being held.
8 exactly There was going to be an exchange of conver-
9 was late sations as to the kind of thing we had been
10 five. I doing in Newark. Because of the relationship
11 to Joel as Colonel Kelly and I had established, I made
12 reporting that explicit that unless Dave Kelly invited
13 House. me and said it was a good thing to come I
14 as our office wouldn't. I got the assurance and immediately
15 meeting. made plans to leave Newark.

16 I went to I was driven to Plainfield by a Mr.
17 General Carballo of our staff. of us were assembled
18 downstairs By Mr. Jaffe: I got said there is going to be
19 shortly a Was the Governor still in Newark on Monday?
20 up. A (Mr. Ylvisaker) Yes. It was kind of eerie for
21 me because I left that afternoon, and the next time I
22 went back the whole place was empty. I couldn't find
23 anything. Even the office I had been in, the telephone
24 or whatever, the Arabs had folded their tents and stolen
25 quickly away. The Governor was still there at the time

1 and there were a whole series of press conferences and
2 meetings with this group and that group and all the rest.
3 By this time we were getting to the point where the
4 community groups were coming in and talking about housing
5 projects, organizing nonprofit associations and this kind
6 of thing. of people were coming. The impression I got was
7 people. So then I took off that afternoon, and I can't say
8 exactly when it was I got to Plainfield, but I know it
9 was late afternoon. It might have been four, four-thirty,
10 five. I went directly to the police station and talked
11 to Joel and to Jack first. Actually Jack was still down
12 reporting from a telephone booth outside the Neighborhood
13 House. Joel was there. We were using a telephone booth
14 as our office. Don McDonald was down attending that
15 meeting. at that point that we again got news that the
16 I went to talk to Colonel Kelly and the Attorney
17 General arrived, and so the group of us were assembled
18 downstairs. The briefing I got said there is going to be
19 shortly a meeting in City Hall in which groups would come
20 up from the Negro community and would express their
21 grievances so they felt they were being heard. We thought
22 that meeting was going to be around seven o'clock or so.
23 At this time I met Don McDonald for the first time,
24 who then came back from the meeting to brief us on what
25 had happened. We decided since we had some time we would

1 go out for dinner. Colonel Kelly and I and the Attorney
2 General in his car, and the rest of our staff, went out
3 in the streets and began looking for a restaurant down
4 the street. It was at that point I noticed with concern
5 what was happening. All the way up and down the street
6 cordons of people were forming. The impression I got was
7 people were this way (indicating). It could be touched
8 off at any moment. I talked to several of the press
9 because they were chasing us wherever we went to get the
10 next news story. It was a fantastic gathering. The
11 press corps and television. One press man, whom I knew,
12 I said to him "For God sakes, can't you move on?" or
13 "Don't stand so conspicuously" because we could easily
14 have a street scene. City Hall, and somehow or other the

15 It was at that point that we again got news that the
16 meeting was going to be much faster. Instead of seven-
17 thirty, it was to be held almost immediately.

18 Again let me state something else which is important
19 for the understanding of the mood at the time. As Colonel
20 Kelly and I and the others walked down and looked for a
21 restaurant, one of his men stopped a car which was full
22 of white toughs, and I can give you all the description,
23 but you know what I am describing. Colonel Kelly's men
24 opened the trunk and found the steel rod and all the rest
25 of that stuff and really let these kids have it verbally,

1 saying they had no business around here because we had
2 been watching an insecure perimeter, allowing cars to go
3 in accidentally, sometimes on purpose, looking for trouble
4 in the Negro community and coming out stoned and pretty
5 well beaten up. It was rough. It was really a tense
6 situation.

7 After that episode of the car we decided we wouldn't
8 have time to eat and we would all go over together to
9 City Hall because now the Negroes had started coming up,
10 a group that had been designated in this meeting down in
11 the community. I had been there probably an hour, forty-
12 five minutes, and was trying as quickly as I could to
13 grasp the situation.

14 We went over to City Hall, and somehow or other the
15 gavel got stuck in my hand and I presided at a meeting at
16 which the mayor was present, the city council was present,
17 Colonel Kelly, the Attorney General and the Negro group
18 which had come up from the community, and different
19 members of our staff. It seemed to me this was to be a
20 listening thing. We were supposed to sit there and listen
21 to grievances from that community.

22 One person for the Negro community first, he began to
23 go on in a long-winded way. Others said those weren't
24 the important things, they had to get down to the essentials.
25 Very quickly it became apparent they wanted the perimeter

1 changed and tightened. They were very nervous about the
2 fact that whites were allowed to come back and forth and
3 cars bring trouble could come into the neighborhood.

4 They wanted this absolutely secure.

5 but They also began explaining why they wanted one more
6 block added to the perimeter to enlarge it. At this point
7 it got to be a question of maps. Colonel Kelly called
8 for the maps, and we sat around the table. The Colonel
9 said, "Is it here? Here? Here? He very quickly agreed
10 to the extension of the perimeter and to sealing it off
11 and to keeping the patrols out of there that night because
12 the Negroes didn't want the provocation of police coming
13 down there, particularly the Plainfield police whom they
14 were expecting to cause trouble, who were in a bitter
15 mood over the killing of one of their buddies. Those
16 things were agreed to.

17 I put in the paper a number of other things we have
18 listed in this statement. It was said we don't have much
19 time. There is only about an hour to go to dark. We
20 agreed with our people there would be an exchange. "We
21 came up here to tell you about the conditions. Now we
22 have got to go back to the community and talk to them"
23 because nobody was trusting anybody to come bearing
24 messages.

25 I will give a little bit of the feelings as events

1 played themselves out. There was also a test of good
2 will. They were going up to Whitey's territory; would
3 Whitey come on back down to their territory? So it was
4 said, "Look, we think we can control the crowd down there,
5 but there are at least ten or a dozen people we can't
6 guarantee because there has been some drinking down there.
7 Some of them are pretty hot." Those weapons supposedly
8 were still out.

9 We suddenly adjourned this meeting, which lasted
10 forty-five minutes or so, and went to the outside
11 courtyard to see how we were going to go down to the
12 community. I had something in my mind we would be going
13 to a nice tidy neighborhood house on the border of this
14 community. We sorted out ourselves. I got into the lead
15 pickup truck with three Negroes, one a Mr. Shetston, and
16 a woman working with the YWCA, and a third I never got
17 the name of. I was the fourth in the front of that pickup
18 truck. We took off, and there was a caravan of vehicles,
19 everything from this pickup truck to a little Volkswagen.
20 Then there was the Attorney General's car in which he and
21 Dave Kelly were riding. We made our way down and the drivers didn't know where
22 to go. Instead of going to a settlement house, we headed
23 for what?

1 that girl. WITNESS STERNS: Right in front of the
2 public housing project.

3 were to be all. MR. BROWN: Seventeenth and something. In
4 He looked front of Turner's Restaurant.

5 around. WITNESS YLVISAKER: As we turned the corner
6 the pickup into this last block I could see this knot of
7 very angry angry people. We had to go past a twisted,
8 charred vehicle that had been overturned and
9 think I burned. We went through the riot area and we
10 bullhorn stopped. I was in the lead vehicle. So it
11 bullhorn, got to be my lot to be the fellow who was going
12 reported to take the bullhorn and talk to this crowd.

13 I began. By Mr. Jaffe: the crowd. Immediately the yells

14 would Q At this point there was no more looting going
15 on, or no sniping? crowd control of the people when we

16 had A (Mr. Ylvisaker) Certainly as we went down there,
17 there were no shots. I can remember thinking this is a
18 pretty explosive situation for a couple of cabinet officers
19 and the head of the State police to be in. If this
20 community worked this out so that we would be held as low
21 hostages, it would be a hot spot. Colonel Kelly took the
22 Attorney General off to the side and they went up stairs
23 on the porch of a house. There were a few narrow ones.
24 The little girl said, "Look, Mommy, he's got a gun;" not-
25 icing Colonel Kelly's gun under his suitcoat. Mommy shushed

1 that girl. We had listened, that the perimeter had been

2 He had made absolutely clear to the perimeter no cars
3 were to be allowed in. Colonel Kelly told me afterwards.
4 He looked over this crowd there and a car was prowling
5 around. He was angry about that. I was in the back of
6 the pickup truck. There must have been two-three hundred
7 very angry people surrounding me. I won't repeat some of
8 the words, but they weren't very pleasant, and I didn't
9 think I was going to get out of there alive. I took the
10 bullhorn and began talking to them, had trouble with the
11 bullhorn, which maybe was significant because the Negroes
12 reported they had trouble with the bullhorn, too.

13 I began talking to the crowd. Immediately the yells
14 would emerge. I won't repeat some of the words, but
15 then I noticed the crowd control of the people whom we
16 had gone down with. At first a couple jumped up and said,
17 "Look, Commissioner, we will protect you. Don't get too
18 nervous." It was great. I noticed one very angry man
19 came out of a building swinging a bottle and obviously
20 pretty much underneath the influence, and a little fellow
21 who was in the truck with me very clearly got that bottle
22 away from the fellow and passed backwards and out. They
23 were really protecting us. There were ten in that crowd
24 they couldn't control or anticipate.

25 At this point I talked about what had gone on up

1 there, that we had listened, that the perimeter had been
2 changed, that the perimeter would be made secure, and we
3 heard their criticisms of the Housing Authority, which
4 they wanted investigated, recreation facilities and par-
5 ticularly they came to the point of bail and release on
6 recognizance because in Newark we had instituted what
7 should have been done a long time ago in New Jersey, with
8 the help of the Vera Foundation group study, Brick
9 Marshall's people, release on recognizance, because one
10 of the real touchy things was the massive arrests which
11 led to a lot of people in the community being away and
12 rumors were passing around. It was a real tough situation.
13 So we were going to bring to Plainfield before the
14 next episode I will describe came up, with the approval
15 of the Attorney General and others, a similar system of
16 release of recognizance, the point system that would get
17 some of these people out and reduce feeling. I mentioned
18 this and said the Attorney General will describe this to
19 you. As I turned around, by this time Dave Kelly decided
20 this was a bad place for the Attorney General to be.
21 They were moving out. As I inadvertently called attention
22 to the Attorney General, the crowd began swinging around
23 from me and they surrounded the Attorney General. I
24 think much to his credit he stopped the car and the door
25 was opened, and since he is crippled it was not easy for

1 him to stand up, but he edged over so he was confronting
2 them in a closer situation than I and described the same
3 thing I described, and also the business about release on
4 recognizance and bail. out to be Callahan and Lee, who

5 After a while the caravan was released from the crowd.
6 We began edging out and we went back to City Hall.

7 I should add that the mayor was along with us, and
8 he jumped into the pickup truck and began talking. It
9 was very clear that the mayor was getting no response
10 whatsoever. As a matter of fact, very antagonistic. If
11 he had talked much longer I am sure a couple of bottles
12 would have been thrown. I got the megaphone back and
13 took it over again. put him on national television with

14 I am sorry for this detail, but it comes out this way
15 and I will try to be brief because there is a fair amount
16 of ground still to cover. I know him. He helped me out.

17 I went back to City Hall and went into closed-door
18 session in the mayor's office with Colonel Kelly, the
19 Attorney General, Joel and a few of the others around
20 there. The purpose was to get a press statement out in
21 the next half hour to this huge assemblage of the mass
22 media who were there pressing for a story. The cameras
23 were ready to describe anything that might have happened.
24 They were pretty disappointed they weren't getting infor-
25 mation on this mysterious process going on.

1 We began, like around this table, drafting a statement.

2 I imagine we got about five or six minutes into it when

3 suddenly there was this loud shouting in the hallway

4 outside, which turned out to be Cathcart and Lee, whose

5 last name I never did get. *by minute -- of how a middle*

6 *posi*Q: Was this the first time you saw Cathcart? *to be*

7 the A: I didn't know him. None of us knew him. None

8 of us from the state knew him, and we tried to keep him

9 out. What Cathcart was doing was to holler to the press,

10 "The town is going to be running with blood. We have

11 got to say something and I have got to be hears." We

12 tried to hold it out, but it was getting to the point

13 where the press had put him on national television with

14 those remarks. *he Governor on one occasion. The Attorney*

15 *Gene* The door was open and the mayor recognized him and

16 said, "Let him come in. I know him. He helped me out.

17 He had been trying to reduce tensions." *and with the*

18 *Gove* This is the first time that Cathcart -- the mayor

19 had been dealing with him before. Then Cathcart, once

20 led into the room, began saying what he had to say was

21 "You have been talking to the more peaceful members of

22 the community; the rough ones are still out there. This

23 place can blow tonight unless you, inside of an hour, get

24 all the guys who are in jail released." *during this period.*

25 *Cath* We looked at each other. They were over in Elizabeth

1 or someplace like that. Nobody was going to institute
2 things that fast. We said it was absolutely impossible
3 to do it in that time. Then it became more a series,
4 and I think probably you may want to ask questions -- I
5 want to try to do it minute by minute -- of how a middle
6 position began to develop where since we were going to do
7 the release on recognizance anyway we thought maybe we
8 can do it tonight and get some released, because if what
9 these guys are saying is true, it would be one of the
10 provocations in the community which would excuse violence
11 on a number of them whom we assumed had the automatic
12 weapons. ~~Colonel Kelly and the State police shot out all the~~
13 ~~stars.~~ Then there were conversations. Colonel Kelly talked
14 privately to the Governor on one occasion. The Attorney
15 General talked twice to the Chief Justice of the Supreme
16 Court, and I talked on one of those phone calls with him,
17 the second one. We talked toward the end with the
18 Governor in which I joined after he had talked to Colonel
19 Kelly. Throughout this time it was a tough situation. I
20 think the way the decision went finally, as you know, we
21 would release thirteen prisoners chosen by the prosecuting
22 attorney, Kaplowitz, from the whole pile, and he selected
23 out the thirteen with the least records and the least
24 charges. He did consult with Cathcart during this period.
25 Cathcart and I had been sitting there talking about other

1 things, about what he had done last night. It turned out
2 he was the father of seven children and he spent his night
3 underneath the bed with his wife and seven kids, and he
4 was scared of being wiped out tonight. He was nervous
5 about the kids.

6 At one time Dave Kelly came in with a note which said
7 that firing has opened up around the whole perimeter,
8 with the implication that the Negro community had gone
9 back on its word and we were now faced with military
10 action which should be taken. It turned out there had
11 been a random rifle shot, identity still now known, and
12 the National Guard and the State police shot out all the
13 street lights as a defensive action. That is what it
14 amounted to. Quite a barrage that took place. It was a
15 very touch and go situation.

16 Finally it was agreed that these thirteen would be
17 released. Then there were some phone calls to make sure
18 they would get transportation, how they were to be brought
19 back into the community. I left Plainfield to return to
20 Newark.

21 Q What was the quid pro quo, rifles, etc.?

22 A This seemed to have emerged after the first
23 conversation with the Chief Justice, and I don't know to
24 this day whether this was the Attorney General's suggestion
25 or the Chief Justice's, but the first expression I heard

1 was one man for one gun.

2 I want to say Cathcart at no time was speaking for
3 the community or promised that he would deliver. As a
4 matter of fact, it was his explicit statement that it
5 would be hard for anybody to get those guns, but he would
6 do his best if that was to be the requirement.

7 MR. LEUCHTER: But it was not a deal
8 proposed by Cathcart?

9 THE WITNESS: Oh, no, no.

10 MR. DRISCOLL: Who proposed the deal?

11 THE WITNESS: The Attorney General, after
12 conversation with the Chief Justice.

13 MR. DRISCOLL: My God!

14 MR. LEUCHTER: That is off the record.

15 MR. DRISCOLL: No, you can put it on the
16 record.

17 WITNESS STERNS: We were talking about
18 whether it would be possible to release even a
19 token number of people, and the Attorney General
20 said you would have to get a judge who would be
21 willing to sign the releases at that hour of
22 night and no judge would do it if the Chief
23 Justice didn't approve, so he would call him.

24 After talking to the Chief Justice he got
25 back and said the Chief Justice said he can't

1 see this. He said if you can show him there
 2 was a relationship to saving lives or to getting
 3 the release back guns or something like that, he might
 4 town quest consider it, but he couldn't do it under any
 5 other circumstances. This was the Attorney
 6 was in a General reporting that conversation.

7 sharp on both This is where that first balance came up
 8 the tension and, therefore, I would say that it grew out
 9 evening. of the Chief Justice saying, "Well, is there a
 10 some of the relationship here to the saving of lives to
 11 Justice or getting the guns back? If there is not, I
 12 understand just can't go for it."

13 MR. BROWN: Did your department have
 14 anything to do with this decision, the quid pro
 15 quo, gun for man?

16 I said the WITNESS YLVISAKER: No. Our part was to
 17 Attorney speed up the release on the recognizance.

18 MR. GIBBONS: In accordance with the Vera
 19 I should point system?

20 WITNESS YLVISAKER: None of us knew when
 21 that town was going to explode. All the evidence
 22 argument, we had was it was going to explode again unless
 23 you could do everything you could to put out

24 the feelings.
 25 Also information brought in suddenly
 as to who Lee might be or who Galtmore might be. There

1 was only By Mr. Jaffe: ~~knowing that Cathcart had helped~~
2 him Q And he Was your recommendation to the Governor for
3 the release of these people based on that, based on the
4 town question? ~~and to see who was Cathcart and Lee?~~

5 A (Mr. Ylvisaker) On my feeling that this town
6 was in a very nasty situation. The feelings were very
7 sharp on both sides; that anything we could do to release
8 the tensions were good and might get us through that
9 evening. So I was strongly advocating the release of
10 some of the prisoners that night, I said so to the Chief
11 Justice on the telephone, said, "Chief Justice, I can
12 understand your reservation, but this is a very extraor-
13 dinary situation and while I can't say for sure, it is
14 very possible blood may flow and we have got to stop that
15 if we possibly can." ~~Prosecutor Kaplowitz had in front of~~

16 I said the same to the Governor, and it was the
17 Attorney General and I who persuaded the Governor against
18 his initial reservation, to go along. ~~not the R.P.S.~~

19 I should also add that while I sensed Colonel Kelly
20 was not very happy about this situation, at no time was
21 there a very strong statement to that effect, or an
22 argument. ~~was to go through the list of some 20 people~~

23 Also during this period since none of us knew Cathcart
24 or Lee there was no police information brought in suddenly
25 as to who Lee might be or who Cathcart might be. There

1 was only the mayor's statement that Cathcart had helped
2 him and he ought to be brought into the conversation.

3 MR. BROWN: Were the local police ever
4 consulted to ask who was Cathcart and Lee?

5 WITNESS YLVISAKER: This I don't know.
6 Not to my knowledge.

7 MR. DRISCOLL: There has been testimony
8 that at a point you told Colonel Kelly you were
9 taking over at the direction of the Governor.

10 WITNESS YLVISAKER: Not at this point.
11 I will get to that.

12 WITNESS STERNS: Could I clarify one thing
13 about the release which I think I have alluded
14 to as to how it took place on the Vera Foundation
15 points? Prosecutor Kaplowitz had in front of
16 him the arrest record for each person, a little
17 slip of paper as to why he had been arrested.
18 He made it explicit this was not the R.O.R.
19 procedure because he did not have the important
20 records. He didn't know what any previous
21 criminal record was and, therefore, what he did
22 was to go through the list of some 80 people
23 who had been arrested and pick out those who
24 had in his viewpoint the most minor offenses.
25 Most of them were not giving a good account of

1 themselves. I've seen about what you could expect

2 I was standing next to him at the time he
3 went through these slips, and there were one or
4 two people with the charge of looting. Most
5 all were disorderly conduct, not giving a good
6 account. He looked at both of them with the
7 looting and said, "This must be cigarettes"
8 and threw it in. Then he took a pile of 25 or
9 so sheets and this was going on at the mayor's
10 desk at this end of the room, and Cathcart and
11 the Commissioner and other people were sitting
12 at this end. He took this pile of 25 names
13 and threw them in front of Cathcart and said,
14 "These look like the ones I could go with.
15 Do any of these make more difference than any
16 others?" Cathcart and his friend went through
17 the 25. Every one in a while they would come
18 to a name and say, "Everybody knows this guy,
19 his family." So Cathcart did participate in
20 the selection after the prosecutor had made
21 this initial judgment on the charges and did
22 say these two or three or four. He did not
23 pick the entire twelve, but I would say four or
24 five of the people he said ought to be released
25 were, and then they picked another seven. They

1 decided twelve was about what you could expect
2 to get out during the night.

3 WITNESS YLVISAKER: The prisoners didn't
4 arrive until three or four o'clock in the
5 morning. By this time -- Joel, were you with
6 me?

7 WITNESS STERNS: No.

8 WITNESS YLVISAKER: I went back to Newark
9 and stayed the rest of the night in the Robert
10 Treat and got up the next morning and spent
11 the next day in Washington with the Attorney
12 General and his staff at breakfast for an hour
13 and a half and then with representatives of
14 the twelve major federal agencies who would
15 have to do with the federal aids, Congressman
16 Rodino and Congressman Minish being with me.
17 So we spent that day down there.

18 I went home that evening and spent the
19 night at home. The next morning I came back to
20 the department in Trenton where by now Joel
21 has returned. Don McDonald had stayed working
22 in the community going around with different
23 people there to see whether they could recover
24 the guns. He was given one gun which had
25 turned out to be probably not stolen this year

1 but the year before. Milt Campbell by now has
2 arrived on the scene, and somewhere during
3 Tuesday while this was going on --

4 MR. BROWN: You were in Washington Tuesday?

5 WITNESS YLVISAKER: Yes, all day, and home
6 at night. The next morning I was briefed by
7 the staff around nine o'clock when I came in.
8 For the first time I heard that the search was
9 going to be going on. I still don't know who
10 made the decision, under what circumstances the
11 search was to be carried on, but our people
12 were concerned with how the search would be
13 carried on. I would want to talk to certain
14 people to find out whether or not certain ideas
15 were developed and how they were stated. But
16 Don McDonald remained in contact with Colonel
17 Kelly throughout Tuesday, who was working, I
18 thought, directly for and with Dave Kelly during
19 that time. Then on Wednesday morning I was
20 briefed by my staff, saying, "Look, there is
21 going to be a meeting in the Governor's office
22 about some other things, but this is going to
23 come up and we should make certain as the search
24 proceeds there ought to be minimum provocation
25 to the members of the Negro community because

1 this is going to be touchy business. This
2 thing could break out again under these
3 station circumstances."

4 That morning in the Governor's office
5 from roughly ten to twelve I would gather it
6 was a rather full scale discussion of the
7 search and the conditions under which it would
8 be carried out. I don't know whether it is
9 appropriate for me to identify positions or
10 anything of that kind, positions taken, but
11 put it this way: when the discussion was over,
12 the agreement had been reached that the search
13 would be under full publicity of the press who
14 would be invited along. We were very nervous
15 there would be charges and some provocation as
16 they went from home to home.
17 The agreement had also been reached that
18 there would be members of the Negro community
19 given armbands to accompany vehicles down to
20 the places to be searched, and they would make
21 certain that the people in the houses came out
22 of the houses so that none of them would be
23 caught in rooms where things could happen or
24 they could say it. Generally that was the
25 instruction and that was relayed to Colonel Kelly

1 By Mr. Jaffe: There was some local radio station

2 in the Gov. Did you know at this point that a local radio
3 station had some time that morning carried --

4 A: And I didn't know. It was quite

5 a radio. Did anybody in the Governor's office carry an
6 announcement of the search?

7 A: Yes. I do know in talking to Don McDonald and with
8 others when I checked up to see what Don was doing down
9 there, for example, Milt Campbell, that Don was put under
10 considerable pressure in the community when they discovered
11 the search was going to be carried, was almost placed in
12 danger of his life because he had been talking about
13 reduction of provocation. Now he is identified with the
14 State that is going to have a great search. He had to
15 do some adroit footwork. I saw three hundred soldiers fully
16 armed. When this was relayed to Colonel Kelly from the
17 Governor's office, the agreement that the Plainfield police
18 would not take part in the search, that the people with
19 armbands from the community would go along with the search
20 and the press would be fully along and briefed on this and
21 would be able to go in with the search parties, then it
22 was agreed that the Attorney General and we were to delay
23 the search from twelve to two. We were to get down fast
24 and to hold a press conference and issue a proclamation
25 as to why the search was going to be conducted, for

1 constitutional reasons. There was some last minute doubt
2 in the Governor's office about the search, but it was
3 finally decided yes, and we took off.

4 We made it to Plainfield in record time. It was quite
5 a ride. When we got there Kelly had already read the
6 proclamation and the press conference was over, and we
7 were ten minutes to take-off. The Attorney General and
8 I in his car with Dave Kelly right outside the police
9 station, Kelly showed us the map, the twenty-six places
10 that were going to be hit. That was about it. The
11 Attorney General stayed at the police station. Kelly
12 went down by himself, I think. The next thing I remember
13 was being at that corner. As they got to the corner of
14 the firehouse where the thing was going to take off I
15 looked down the block and saw three hundred soldiers fully
16 armed, machine guns and these half track armored personnel
17 carriers leading off the thing. I said, "My God! This is
18 an invasion. This isn't a search." Here is where my
19 instinct took over.

20 I turned to Dave and said, "It can't be!" Then he
21 began to tell me.

22 MR. BROWN: Colonel Kelly? (indicating),

23 WITNESS YLVISAKER: He began to tell me
24 this is the only way this troop travels. This
25 is their method of conveyance. I suddenly

1 realized we hadn't gone over -- it wasn't in
2 my mind three hundred soldiers with machine
3 guns and half tracks would be going down and
4 carrying on a search in a community, a comm-
5 unity which we had entered two days before
6 without police protection, had emerged from
7 and had seen the forces inside which were trying
8 to keep it quiet within.

9 Kelly was explaining this and I said, "No,
10 Dave." I jumped out in front.

11 WITNESS STERNS: While you were talking
12 they started to move.

13 WITNESS YLVISAKER: I jumped out in front
14 and said, "Stop. In the name of the Governor,
15 stop" because I am now the chief officer there
16 and I remembered our discussion in the Governor's
17 office how concerned he was that this thing
18 could become a national spectacle and start up
19 the whole thing again.

20 At that point I countermanded Kelly in
21 effect. Kelly then -- I don't remember exactly,
22 but it was something like this (indicating),
23 admitting defeat. He waved the personnel
24 carriers off to the side. Then it took me two
25 or three minutes to realize a vacuum had

1 developed in command and that my impression was
2 as a civilian that much I would do, but for
3 heaven sakes, I had nothing to do from here on
4 in with the way the search had been conducted.

5 I suppose in Colonel Kelly's mind he said,
6 "I have been superseded and the Commissioner is
7 going to take over the search." I realized
8 after two or three minutes there was a vacuum.
9 On this side were the jeeps with the personnel
10 carriers out of the way. On this side were
11 the fellows from the Negro community with the
12 armbands waiting to join the vehicles as they
13 came across the intersection, but nothing was
14 happening. The press was there. It was really
15 beginning to swarm. personnel carriers
16 I went over and began talking to Milt
17 Campbell, the decathlon hero who had come back
18 from Canada to work at this. Finally when I
19 realized nothing was happening, I have a vague
20 memory of giving some kind of signal to Colonel
21 Kelly that the thing ought to start. The jeeps
22 then began coming across the intersection. We
23 stopped the first one. No, hold on. Did the
24 troop carriers come first? the next
25 this. WITNESS STERNS: What happened, you used

1 the word "countermanded" Colonel Kelly.

2 Actually he did not give any order for this
3 troop to move forward. While you and he were
4 talking in front of the fire station they
5 started to move up and go across. I remember
6 Novak, a State police officer and National
7 Guard officer, was in charge.

8 MR. BROWN: He is a Major Novak from
9 Clifton. the local police, I said, "Well, what?"

10 WITNESS STERNS: You left your conversation
11 with Colonel Kelly and ran out to stop him.
12 You talked back with Kelly, and Kelly waved
13 the personnel carriers aside and it was deter-
14 mined at some point that the jeeps would go
15 forward but that the personnel carriers line up
16 on a corner and each personnel would turn right
17 and park; whereas, the jeeps would go straight
18 across the intersection into the area.

19 were So that was what was happening in traffic.
20 All the personnel carriers were not together
21 in that line. They were split up and there were
22 jeeps in between.

23 WITNESS YLVISAKER: I will have to give you
24 a mixed impression because from here on the next
25 thing I recall was with Milt Campbell and the

1 Cathcart and a few of the others who had arm-
2 bands on. Campbell started telling me, "Those
3 half tracks can't go down there. They are going
4 to scare this community and things are going to
5 pop."

6 The second memory I have is now the trucks
7 came across. Campbell said, "Hold on. The
8 agreement was no local police." Since I knew
9 none of the local police, I said, "Well, what?"
10 Kelly is now with us. It turned out that
11 Hennessey, who was in the lead one dressed in
12 gray but certainly not in his regular police
13 uniform, was wearing a badge up here and Kelly
14 waved him out of the truck and down and told
15 him to take off his badge and helped him take
16 it off his neck.

17 The agreement was that it wouldn't be
18 broken. Kelly told me about why the local police
19 were on the trucks. There was another local
20 Plainfield officer whom they spotted and pulled
21 off. Then the thing began rolling in and the
22 jeeps began picking up one of the armband guys,
23 every fourth jeep. One jeep decided to roar on
24 through and just about knocked me over.
25 Then the search went off and I went

1 separately because at this time I was determined
2 that I was going to see how the search was
3 going to be conducted. I drove down with Don
4 McDonald in his car, and we got down to the
5 housing project after probably fifteen or
6 twenty minutes, and here the units were parked
7 and they were beating the bushes and going in
8 the apartments. With some reporters from the
9 New York Times and others I went into several
10 of the apartments. One I remember very defin-
11 itely. By this time Cathcart has joined us,
12 though I want to say for the record Don McDonald
13 told me not to let Cathcart too close, that he
14 was going to use this for his own advantage in
15 the community, and he didn't want me identified
16 with Cathcart. With all the publicity you
17 certain Cathcart took us into this first apartment,
18 and there I talked to the persons and what I
19 found was more rudeness than damage, but a
20 little old grandmother who, like my grandmother,
21 kept her place very neat, was extremely upset
22 about doilies and cushions and everything thrown
23 around the place. Particularly when I went
24 upstairs two foot lockers had been snapped open
25 with bayonets when she was perfectly willing to

1 give them keys. It was indignity more than
2 real monetary damage.

3 Dave MR. DRISCOLL: I realize you were under
4 pressure and there was a lot of emotion and
5 it is very easy to be critical in the quiet
6 of this room, so if any of my questions sound
7 difficult I don't mean them to be difficult
8 particularly. But what was really the purpose
9 of this search?

10 WITNESS YLVISAKER: It is difficult to
11 answer this I think partly because I wasn't
12 part of the decision to search, and I can only
13 speculate about other people's reasons. The
14 other question is: why would one consider
15 having a search under the circumstance?

16 MR. DRISCOLL: With all the publicity you
17 certainly were not going to find any rifles if
18 there were any that had been stolen.

19 WITNESS YLVISAKER: There were forty-six
20 weapons outstanding and strong feeling those
21 weapons had to be recovered.

22 May I go off the record here?

23 (Discussion off the record)

24 WITNESS YLVISAKER: At this point when I
25 came out of one of the apartments I saw Dave

1 Kelly in the street waving the search off. I
2 went over to him and said something like,
3 "Dave, how is it going?" or whatever. He
4 said, "Well, we are through" and they went off.
5 We went back then to the police station, and I
6 joined Kelly and others down in the basement.
7 Then the mayor came by and the chief of police,
8 and I could detect what the mood was. There
9 was a great bitterness. These people felt
10 defeated. They said their police were going
11 to resign en masse. I said at the time, not
12 knowing quite what I was getting into, "Would
13 it help at all if I go up and explain that
14 decision to them?" As it turned out they went
15 up and assembled the police force, and a half
16 hour later they angrily came down and said,
17 "What are you waiting for?" of this they said,
18 "Dave I went up to find the 80 policemen from
19 Plainfield, many of them still armed. They
20 locked the door, and we had the mayor and the
21 police commissioner and a few others there. I
22 began with what I thought was a reasonable
23 statement about the thing, not realizing by now
24 what the feelings were. Then they broke in and
25 Hennessey took the lead, and he marched up and

1 down, and I won't repeat some of the stuff
2 that went on. It was rough.

3 At one point they said I was lying when I
4 said all the way Kelly and I had been working
5 in concert except that APC decision, and they
6 said, "He is lying, so let's get Kelly." When
7 he came in I said, "Dave, is it not true that
8 you and I have been working together in concert
9 today except for that decision which I took
10 over?" Kelly smell or sensed the situation
11 and he began taking the play away by physically
12 walking away, never answering the question
13 directly, and began talking to them as police.
14 "You know we have got a problem. You can't
15 quit," and moving it up to a different level
16 of conversation. In touch with the situation
17 though After about ten minutes of this they said,
18 "Dave, to hell with you. Get out of the way.
19 We want to get that guy." Kelly left and I
20 spent another twenty or thirty minutes with them.
21 This time I got kind of angry and began using
22 the tone I am not using around this table.
23 Ironically I got the meeting much softer when I
24 began using the tough line myself, and I
25 told them what I had done and why I had done it.

1 The meeting broke up, and I then sensed
2 Kelly really had a problem. He had a demoral-
3 ized force, and it would be better for us to
4 move out of his way now, that the essential
5 things were done. I talked to him about it,
6 and at that time we agreed that I would pull
7 out with our guys. We left, I would imagine,
8 around six o'clock, six-thirty that night, after
9 having a conference with the Governor in which
10 I was assured by the Governor that he and
11 Colonel Kelly were in agreement with the way
12 the thing had been handled. He backed me up on
13 the handling of the APC's and it was kind of
14 left that way. Until the 21st of November I
15 never went to Plainfield again. Some of our
16 people have been in touch with the situation
17 though.

18 In retrospect it was tough, it was fast,
19 it was hard to make decisions, but I have this
20 to say: that we came into Plainfield in a
21 situation which literally they were ready to
22 tear each other apart, and we left Plainfield
23 with no more property damage and no more
24 bloodshed. Whatever one might say about should
25 you have done this or that, even knowing

1 everything I now know I would go back and do
2 everything exactly the same under the circum-
3 stances if I were guaranteed that kind of
4 result. Yes, maybe we have learned some things
5 from it, but that is where I would leave the
6 record.

7 CHAIRMAN LILLEY: Thank you very much,
8 Commissioner. We appreciate your coming.

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11 C E R T I F I C A T E

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

16
17 Joseph F. Reading

18 December 4, 1967.
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