

Whereupon, I took Sixth

Street south over to JOHN W. SMITH

called as a witness, duly sworn, testified as follows:

EXAMINATION

By Mr. Jaffe:

Q Mr. Smith, the Commission appreciates your coming down here on a voluntary basis. We have only two questions that we would ask you. Under the rules that the Commission adopted in going into the incident the first question is your full name and address and your occupation in July of 1967. The second question would be a narrative in your own words as to the events that transpired on the night you were arrested in July, 1967. The rule that the Commission adopted in going into the incident because of the possibly pendency of other matters is that no questions would be asked by the Commission and members, but you would be free to give us your explanation of what happened.

Is that understood, sir?

A Yes.

The full name is John William Smith currently residing at 47 South Street. During the night of the incident I was employed as a taxi cab driver.

Relative to the incident, I had picked up this woman passenger in the vicinity of City Hospital, and she was on

1 her way over to the Weequahic section. I took Sixth
2 Street south over to Fifteenth Avenue. As I recall, it
3 was a rather slow night. It was somewhere between nine-
4 thirty or eleven-thirty, somewhere between those hours I
5 would think. Anyway, I picked this lady passenger up in
6 the vicinity of City Hospital, and I was coming over Sixth
7 Street to Fifteenth Avenue. When I arrived at Fifteenth
8 Avenue I made a right turn, and in making the turn I saw
9 this police car double-parked at the corner of South
10 Seventh Street and Fifteenth Avenue. Well, Fifteenth
11 Avenue is a major thoroughfare, but I gave them the
12 courtesy of a signal anyway, and then I passed and in the
13 process I was given a signal to stop. So I pulled over.
14 There was a vacant space right at the intersection
15 of Seventh Street and Fifteenth Avenue, so I pulled into
16 the vacant space. The police car pulled along side, and
17 he asked for the license and registration. So I got the
18 license and the registration, and I gave them to him and
19 I asked him what happened. He said I popped an inter-
20 section. I said, "I don't see how because you were
21 double-parked and I thought you were working and I just
22 made a normal pass." So he said, "No, no, this vehicle
23 was in motion."

24 So I saw then he was trying to play games with me,
25 turn me on. I just told him, I said, "Go ahead and go

1 what you want to do," you know. So he evidently became
2 incensed about this because he jumped out of the police
3 car and snatched the door open and told me to get out
4 because I was under arrest. Then he insulted the passen-
5 ger and told her to get the hell out of the car because
6 I was under arrest. and started dragging me down the street.

7 So he put me in the back of the prowl car and called
8 another car to come pick up the cab. So we sit there in
9 the car and wait for the other police car to come. So
10 they came and said they would take care of the cab and
11 then we proceeded to the Fourth Precinct.

12 So as he started off and made his turn and started to
13 the precinct, then one of the policeman that was sitting
14 in front, he turned around on his knees on the front seat
15 and he started punching on me. So the other policeman
16 that was driving, he said, "No, don't let out on him."
17 I assume he meant by that not to beat him up. He said,
18 "No, no, this baby is mine." So then he proceeded to
19 punch on me. He didn't seem to be getting the desired
20 result with his fists, so he looked down in the car some
21 place and got his nightstick and then he started using his
22 nightstick on me. So I held up my hand to try to protect
23 my face, and then he jabbed me in the groin with the stick.
24 So then I fell over on the floor in the back of the car
25 between the two seats and starting throwing up.

1 So when we got to the police station then they started
2 to dragging me out of the car and started dragging me down
3 the street because I couldn't walk because of this intense
4 pain, you know, where he jabbed me with the stick. So I
5 couldn't walk because of that intense pain. So they drag
6 me out of the car and started dragging me down the street.

7 Some of the citizens in the community, they said,

8 "You don't have to drag him like that." I heard several
9 other voices say, "You could at least carry him in."

10 After this outburst from the citizens then someone picked
11 up my feet and they carried me in the station.

12 When I got inside the station it was probably some
13 kind of room or something. I don't know, I am not too
14 familiar with the interior. Anyway, in this room they
15 was joined by about seven or eight others, about ten of
16 them, and they started kicking and punching me, and this
17 went on for a lengthy period of time. Finally they drug
18 me in a cell and they started punching on me in there,
19 and one of the officers stuck his hand down in the toilet
20 stool and threw that horrible polluted water all over my
21 face, and then they were still striking me and one shoved
22 my head over the toilet bowl and one of the fellows in
23 the car struck me on the head with the gun butt. Then he
24 struck me again with another blunt instrument on the right
25 side.

1 So after they finished their sadistic party they
 2 finally locked the cell and left, and so a little later
 3 on some citizens group came in and persuaded them to let
 4 them see me. So after they let these people in there
 5 they asked me if I was hurt or if I needed to see a doctor.
 6 I told them I think they have caved in my ribs. So they
 7 requested that I go to the hospital. ~~as the witnesses~~
 8 of ~~the~~ They took me over to the Beth Israel Hospital, and
 9 over there during the course of examination and treatment
 10 they found out that my ribs was caved in and there was
 11 other internal injuries. So at that point the doctor
 12 taped up this side and they brought me back down to the
 13 stationhouse down town, and I am still going to the doctor
 14 for treatment from the injuries that resulted as a result
 15 of the beating and this torture in the precinct.

16 CHAIRMAN LILLEY: Is there anything else
 17 you would care to say, Mr. Smith?

18 By THE WITNESS: That's about it I would think.

19 CHAIRMAN LILLEY: Thank you very much.

20 (Witness excused)

21 MR. LAUCHER: - Is that all?

22 Whereupon, THE WITNESS: No.

23 By Mr. WILLIAM A. MERCER, JR.

24 called as a witness, duly sworn, testified as follows:

25 It is a multiple funded operation. It gets the