

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

2 EXAMINATION

3 By Mr. Jaffe:

4 Q Mr. Harris, would you state your full name and
5 address and would you just very briefly give the Commission
6 your background in the City of Newark and the kind of
7 activities you are involved in?

8 A My name is Earl Harris. I reside at 60 Crawford
9 Street in Newark. I was formerly Republican freeholder of
10 Essex County, and prior to that I was administrative aide
11 to the incumbent Mayor, Hugh J. Addonizio, for one year prior
12 to resigning. I have been very active with the various
13 groups in the City of Newark for human rights of all people.

14 Q Mr. Harris, I would like to just put on the
15 record our appreciation for staying through lunch and our
16 apologies that we could not hear you any sooner. We had
17 some scheduling problems, and it just couldn't be avoided.
18 We appreciate your staying and giving us your views.

19 The Commission is very much aware that you have some
20 very strong views about those problems that face Newark
21 generally and some views as to the riot that occurred last
22 summer. I wonder if you could address yourself to that very
23 general subject matter and give us the benefit of your views
24 as to the causes of it and some of the things that you think
25 the Commission can act on and some recommendations you think

1 the Commission should think about.

2 A From the outset I would like to preface my remarks
3 and say that I certainly hope that this Commission will
4 reflect in their report to the Governor a true picture as
5 to what has taken place and what has been said in these
6 hearings. Too often in the past I have seen, in appearing
7 before various commissions with the hope that the testimony
8 given would bring about a better society for black and white,
9 that these commissions tend to water down their reports for
10 one reason or another. I hope that this will not be the
11 behavior of this Commission.

12 The whole struggle, the problem in Newark is very
13 immense. It would take days for one person to attempt to
14 get at all the various facets as to what caused the dis-
15 turbance. I blame the present administration, which I
16 served as part of for one year, for their short-sightedness,
17 for their lack of sensitivity and for their gangster-like
18 tactics in the use of the Police Department in intimidating,
19 brutalizing physically and for them failing to live up to
20 their oath of office that they took upon having been elected
21 insofar as carrying out duties, their respective duties.

22 You can look at the whole picture in Newark, look at
23 housing, the fact that you have slum housing where people
24 are being subjected to all sorts of overcharging, inadequate
25 heat, every facility that should be adequate being inadequate.

1 The mere fact is that the present administration fails to
2 enforce the housing code that presently exists in the City
3 of Newark. In the ghetto area of Newark you have situations
4 where residents of the ghetto who shop in the neighborhood
5 stores receive inferior quality products. They are over-
6 charged, and those who are fortunate enough to be on welfare,
7 the price is increased around the time that they receive
8 their welfare assistance check and their bills are padded.
9 In the ghetto area where one should look upon law en-
10 forcement as their friend they look upon law enforcement as
11 their enemy because this is the way law enforcement has been
12 used against the Negro not only in Newark, in all large-
13 urban cities. I cite for you an example of police intimidation. When
14 I was a candidate against the incumbent councilman Lee
15 Bernstein, my car was painted white with "Elect Earl Harris
16 Councilman of the South Ward." My campaign cars with loud-
17 speakers received a total of forty or fifty parking tickets
18 for any kind of violation. The police would constantly
19 threaten and intimidate my workers. I have seen the police
20 on numerous occasions stop Negro citizens in the area,
21 question them, not as men and women, but talk to them as
22 though they were dogs. To give you an illustration of what I have always main-
23 tained, that police brutality comes in two forms -- physically

1 and verbally -- I had an occasion to receive a telephone
2 call that one of my constituents would be arrested, and
3 upon going to the precinct to make an inquiry as to whether
4 I could post bail, I was talked to by the patrolman behind
5 the desk in a typical manner that they would address any
6 person of color, Negro or Puerto Rican. The first thing
7 that officer said to me was, "what you want, boy?" I told
8 him that I was no boy and I came there on business and I
9 wished to speak to his superior. There was a lieutenant on
10 desk duty at that time. But this is just an example of the
11 way they approach you. The first thing they observe is the
12 color of your skin, and I would like to cite also an in-
13 cident that occurred in the arrest of Mrs. Carrie Powell.
14 She was at the time a vice-principal in the City of Newark
15 in the school system, a lady if I ever met one, who had
16 returned from New York and was waiting for her husband to
17 pick her up at Penn Station.

18 An incident occurred in the station where some drunk
19 was being questioned by the police. The two men began to
20 struggle, the officer and this drunk. The officer dropped
21 his nightstick and Mrs. Powell being a lady and a good
22 citizen bent down and picked up the officer's nightstick
23 and handed it to him. When she walked outside of Penn
24 Station while waiting for her husband they brought the man
25 out, the prisoner. They were handcuffing him and they threw

1 him on the ground, and a couple of officers proceeded to
2 kick him. Mrs. Powell was standing there waiting for her
3 husband and remarked that the man was under arrest, "You
4 have him handcuffed and as a citizen I see no reason for the
5 need to kick him."
6 She was arrested. She was talked to. She was sworn at
7 like she was a dog. Here is a lady who is one of the most
8 respected women in the community, never had any difficulty
9 with anyone, but she was black. This is just one of the many
10 violations, misabuse of police power.

11 MR. LOFTON: Do you happen to know what the
12 relative results of that case were?

13 THE WITNESS: Yes. The community came
14 possibly together and protested so vigorously until they
15 finally in the magistrate's court found Mrs. Powell
16 not guilty of the charge. It was dismissed.

17 By Mr. Jaffe: evidence?

18 Q Before you commented you said that you hoped this
19 Commission would not water down its report. I wonder if you
20 would give us your views as to what truths exist that we
21 should be careful not to water down. Just expound on that
22 a little bit if you feel you would like to.

23 A I think that the behavior of the Director of
24 Public Safety or the Director of Police, whatever his title,
25 Director Spina, the behavior of the Mayor of the City of

1 Newark and I imagine a lot of things have been said about
2 the two persons, I think the behavior of the State Police
3 and the local police and the manner in which they shot up
4 and destroyed Negro business enterprises immediately after
5 the riot, I think that causes that have contributed to the
6 outburst in July, I think the truth should be told as it has
7 been given to you because if the truth is told, maybe the
8 Governor will move in a proper direction because I don't
9 have too much faith in the Governor because the Governor
10 broke his word with me. the witnesses it happened somewhere
11 around when I spoke to the Governor in the Newark Armory
12 relative to that picture, that is here after they shot up a
13 business that I had invested every penny in that I could
14 possibly get my hands on, my business was two weeks away
15 from opening and it was shot up. by five rounds of ammunition

16 into Q Let me identify this picture. Would you mark it?

17 May we introduce this in evidence? break the window. They

18 then A I would appreciate it if you would. on the

19 equipment. MR. JAFFE: Would you please mark this and

20 then we will describe it. your window?

21 A. (EXHIBIT NO. C-108 WAS RECEIVED IN EVIDENCE.)

22 about six By Mr. Jaffe: this incident which stated: watch

23 for Q Mr. Harris, would you describe this photograph?

24 A This is a picture with me standing at the window
25 of a business that I had established that was yet to open.

1 Q. What kind of business? husband, Susan Hunter, are

2 just A. A restaurant and luncheonette.

3 Q. Where was it? investigators approximately ten or

4 A. 124 Elizabeth Avenue, Newark.

5 Q. Near what main street is that?

6 A. It is near the corner of West Alpine Street.

7 This occurred on the Sunday after the riot, the sixteenth.

8 Q. This occurred late Saturday night-early Sunday

9 morning before church? the gentleman, the head of the State

10 Police. A. According to the witnesses it happened somewhere

11 around 1:00 a.m. another.

12 Q. What happened? of those shells still available?

13 A. The State Police, with the help of a couple of
14 Newark patrolmen, stood in front of my place and shot it up.

15 After firing approximately seventy five rounds of ammunition

16 into the window, they proceeded to take, according to wit-16

17 nesses, the butts of their guns and break the window. They

18 then stood up on the edge and fired rounds into the the city.

19 equipment. Mr. Horne, who works for the Commission, has a

20 Polaroid. Q. Was there any marking on your window? id like to

21 have A. I had a sign on the window that had been posted id

22 about six weeks prior to this incident which stated: "watch

23 for the grand opening of the Piggy Wiggy," which is the

24 name of the restaurant, featuring barbecue with "soul

25 sauce" and hamburgers, hot dogs, eight varieties of ham-

burgers and hot dogs.

1 Dr. E. Mae McCarroll and her husband, Robin Hunter, are
2 just two of the witnesses who saw this incident occur. I
3 gave to the Governor's investigators approximately ten or
4 twelve shells. I have remaining about six.

5 Q Shells?

6 A Shells.

7 Q What kind of weapons were they? Do you know? Can
8 you tell from the shells what kind of a weapon was used?

9 A According to the gentleman, the head of the State
10 Police, he said that they were shotgun shells. I don't know
11 one weapon from another.

12 Q Do you have any of those shells still available?

13 A I still have some.

14 Q Could you either make the shells available or a
15 picture of those shells available to the Commission?

16 A I would like to do this: I would bring the shells
17 and make them available to the Commission, but I would need
18 them for my attorney because we filed suit against the city.

19 Q Mr. Horne, who works for the Commission, has a
20 Polaroid Camera and with your permission we would like to
21 have Mr. Horne take pictures of those shells. Then he would
22 use that picture. The physical shells we really don't need.

23 A That is alright.

24 Q When you left your place of business on that
25 Saturday --

1 That was a Monday.

2 Q I am talking about before the shooting incident.
3 Had your store been damaged at all during the riot?

4 A No. None of the Negro stores in that area were
5 damaged.

6 Q Are there a lot of Negro stores in that area?

7 A I would say on that block you had several Negro
8 stores. I think you had about five Negro businesses on
9 that side of the street.

10 Q Were there white stores in that neighborhood, too?

11 A Yes.

12 Q Had the white stores been damaged during the riot?

13 A Not during the riot they had been damaged.

14 Q Had they been pretty well looted or just a little
15 bit damaged?

16 A They were looted. My landlord adjacent to my
17 place owns a package store. He was damaged during the riot.

18 MR. JAFFE: Off the record.

19 (Discussion off the record.)

20 By Mr. Jaffe:

21 Q I was just asking you to describe the white
22 stores in the neighborhood, whether they had been looted.

23 A They were looted.

24 Q But the Negro stores had not been damaged, the ones
25 that had "Soul Brother" or something written on them, as of

1 that evening, is that right?

2 A In a lot of instances it wasn't necessary to put
3 that word "Soul Brother" on there because they knew it was
4 a Negro barber shop or beauty parlor. They didn't bother
5 the store.

6 Q Have you ever heard from the State Police or any
7 other investigative agency that has looked into this? You
8 said you specifically talked to the Governor.

9 A I talked to the Governor that Monday.

10 Q Tell us what has happened since then.

11 A I spoke to the Governor at the Newark Armory. I
12 think the first thing the Governor was telling me was the
13 fact that -- he asked my opinion whether he was doing the
14 right thing insofar as withdrawing the National Guard, and
15 he indicated that he just left the press conference and he
16 was going to withdraw them at a certain hour. I told him
17 that I felt that it was the wise move because I thought
18 that we were only contributing to keeping the atmosphere
19 at such an unsavory point there that it was. I didn't think
20 anything else would occur to warrant their presence.

21 I told the Governor what happened, that some of his
22 State Police were involved according to witnesses. In fact
23 one of the witnesses had the license number of the cars that
24 participated in this shooting. He said he intended to get
25 to the bottom of it, and he called in I think it is a

1 Colonel Kelly and another gentleman -- I am not sure of his
2 name. In the presence of Mr. Vaness, his counsel; Mr. Lofton,
3 who was present; and several other people. The Governor
4 indicated that he was sorry about what happened, and I told
5 him that this puts me out of business because of the fact
6 that my equipment had been destroyed and I had no more money.
7 He said there in my presence to me that he would find a
8 way that I would be reimbursed, but to date I haven't been.
9 The word of a politician doesn't go far with me. I take
10 men at their word regardless of the office, position that
11 they hold.

12 Q But there were State Police investigators that
13 did come up?

14 A Investigators went back to the store with me,
15 photographed everything about the store, the equipment that
16 had been damaged, made recordings and took some of the
17 shelves, and that's the last I have heard of it.

18 MR. LOFTON: Did you make available to the

19 investigators the license numbers of the cars that
20 would you indicated some of the witnesses had taken down?
21 THE WITNESS: Yes. I gave the license number
22 evidence to one of the gentlemen present. It wasn't one
23 made public associated with the National Guard. I think it
24 have gotten was this Colonel from the State Police. I don't
25 about the believe in police investigating police. have been

1 painted because MR. DRISCOLL: Do you have that number now?

2 irresponsible. THE WITNESS: Yes I still have it at my

3 bottle full place.

4 MR. DRISCOLL: Could you supply the staff

5 truth of with the number? re are conditions that cause that

6 person who to THE WITNESS: Yes, I can.

7 By Mr. Jaffe:

8 Q: would you give this to Mr. Horne when the picture

9 is taken? after a lot of badgering on the Thursday night

10 after the Yes. occurrence, on a Thursday afternoon, we went

11 to hi I think too long this has attempted to widen the gap

12 that presently exists in the Negro community about having

13 faith and confidence in law enforcement because law en- that

14 forcement historically has covered up all their wrongdoings

15 investigating each other. all of the citizens of Newark and

16 Deca. Q: why do you think it is for the Commission to the

17 comment about this if the proof is there? why do you feel

18 that this is an important thing for the community? to the

19 Mayor A: I think that I would hope that the Commission

20 would consent as they see the facts, as the facts are

21 presented to them, not hearsay but facts. I imagine like this.

22 evidence is being dug up, and I think that this should be

23 made public. You see, the people in the suburban community

24 have gotten a bad picture, a distorted picture particularly

25 about the behavior of Negroes as a whole. Negroes have been

1 painted because of these disturbances as people who are
2 irresponsible, going around throwing bricks, filling up a
3 bottle full of gas, throwing it like a God-damned fool, but
4 it is not like that. The true picture must be told. The
5 truth of the matter is there are conditions that cause that
6 person who is irresponsible enough to throw that rock to
7 get it and throw it. To give you an illustration, we went on Saturday with
8 the Mayor, after a lot of badgering on the Thursday night
9 after the first occurrence, or a Thursday afternoon, we went
10 to his office, George Richardson, Harry Wheeler, Eulis Ward,
11 myself and a few others because we wanted to talk to him
12 even though we have been fighting him because of wrongs that
13 we think have been part of the city. We wanted to talk to
14 him for the betterment of all of the citizens of Newark and
15 because we felt in our hearts that we had dialogue with the
16 guy who was going to throw that Molotov cocktail or that
17 brick. We wanted to get from him -- we suggested to the
18 Mayor on that Thursday that he appoint a blue-ribbon com-
19 mission or something of that nature, not a police review
20 board or anything like that, consisting of people like this.
21 We suggested names like a Malcolm Talbot, a Dean Mackie, a
22 Hilton Visa and other reputable business men in the com-
23 munity to look at the alleged charge of what occurred that
24 Wednesday night so that we then could go back into the

1 community and tell the story to the guy who is going to
2 throw that Molotov cocktail, hoping that we could keep him
3 cool so there wouldn't be any further disturbance. But like
4 the ass that he is, he felt this was political and he inti-
5 mated so much. as far as the city was concerned.

6 He said, "Well, why should I deal with you guys when
7 you guys are going to get newspaper coverage and you are
8 doing this and fighting me on the opposite side?" We
9 couldn't penetrate that thick skull of his, and he asked
10 for forty-eight hours to think it over. We told him, "Mayor,
11 the climate being what it is, I don't think you have forty-
12 eight hours before additional harm comes to Newark," because
13 when I made that statement it was based on my conversation
14 with some of those people, some of those youngsters in that
15 affected area at four a.m. that morning, and I knew these
16 guys were some of the people who had dialogue with the
17 others who would probably do some damage. So I felt then
18 that I could go back and sort of get them to keep it cool,
19 keep it quiet. But unfortunately he didn't see the wisdom
20 in entertaining the idea because he felt that we were his
21 opposition, his opposition as far as his future ambition of
22 getting the Democratic nomination for Governor, and we were
23 the ones who were active and fighting him on the medical
24 school thing that we felt was a fraud on the people of the
25 City of Newark, and we were the opposition insofar as his

1 attempt to appoint incompetent councilmen like Jim Callahan
2 to the most respected position of secretary to the Board of
3 Education, and because of the fact that we were his opposition
4 on several occasions on other issues that we felt he was
5 short-sighted on as far as the city was concerned.

6 He being always political, he put his own selfish em-
7 bition ahead of the City of Newark. We couldn't get across
8 to him. Unfortunately that Thursday night was the biggest
9 night of the whole disturbance, and I think that Thursday
10 in my heart could have been avoided.

11 You mean by the creation of that kind of a group
12 and attempting to go out into the street?
13 Not only that, but by the reaction of the police
14 riding around with shotguns stuck out the windows and with
15 the helmets on. You know in this overall situation I often
16 say that you can provoke these things. I will cite an
17 instance. We were at a hearing down at City Hall fighting
18 some issue. Upon leaving City Hall they had the police
19 lined up prior to the riot, outside with the helmets on and
20 their nightsticks. I walked up to one of the superior
21 officers and I asked him whether it was possible that he
22 could talk to them and ask them to take off the helmets, and
23 replace the riot sticks that they were standing there armed
24 with and just act natural and not stand there and act like
25 the Gestapo because the people were protesting within the

1 law. There was not going to be any disturbance, that you
2 would provoke disturbance and by just the mannerisms of the
3 whole bunch with their gloves on like they were ready for
4 action and all that. Fortunately this officer saw the
5 wisdom and he talked to somebody. He got them to change
6 their battle equipment. ~~and get back and not said anything~~
7 about I think the whole mental outlook of the Director of the
8 Police Department and the Mayor who gives the orders should
9 be one of more understanding. I would hope that this Com-
10 mission could present to the public a true picture of the
11 responsibility of the Negro community; that those who par-
12 ticipated in those peaceful demonstrations in the City of
13 Newark did not bring on any riot; that every Negro in Newark
14 is not ready to throw a brick or a Molotov cocktail; that
15 the citizens of the black community want protection from the
16 Police Department. They want to be protected from their
17 black brothers who will mob a person, rape a person or break
18 in their homes, as well as their white brothers who would do
19 the same thing; that they want to be respected as citizens
20 with the same sort of opportunities that are prevalent for
21 other citizens. They want the same thing out of life: an
22 opportunity to educate their children and a decent home and
23 if, unfortunately, they live in a multiple dwelling, there
24 are any violations, that the violations that exist should be
25 treated the same as any other person who may have a one-family

1 or two-family house, the way he is dealt with when he or she
2 goes to the housing court because we in Newark have lost
3 respect for the municipal system in the courts because his-
4 torically we term it a kangaroo court, and I say that with
5 emphasis, that some of the statements -- I don't know how
6 Chief Justice Weintraub has set back and not said anything
7 about some of the statements that have emanated from the
8 chief magistrate down here in the Municipal Court, that
9 gentleman by the name of DeHauro -- uncouth, not in the
10 realm of what you would expect to come out of a court.

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11 So you see what we want is fair play. We would like
12 for you to project the proper picture that we have res-
13 ponsible people in our community. I have been termed ir-
14 responsible because of the fact that I will stand up and
15 fight for right, but I feel that I am very responsible. I
16 won't take a back seat when I see something is wrong, nor
17 will I accept a dollar under the table to close my eyes to
18 something. Nobody can ever say that in the three years I
19 served as a freeholder in this county, that I ever got
20 involved in any situation, nor did I look for a dollar. I
21 live off my salary as a freeholder, and I put the full time
22 in on that job.

23 MR. JAFFE: I don't have any further
24 questions.

25 MR. LOFTON: Any further questions?

MR. DRISCOLL: No.

MR. LOFTON: Thank you very much.

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C E R T I F I C A T E

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

December 22, 1967

Joseph F. Reading

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