



## I. Sources of Tension

# The Political Framework

Population trends indicate that many large cities in America will have predominantly Negro populations in the foreseeable future. With the exception of Washington, D. C., Newark is the only large city in this country to have reached that stage.

A recent Rutgers University survey of the Newark population showed that 52% was Negro; 10% "other" (mostly Spanish-speaking); and less than 40% established white residents. The survey also showed that Negroes in 1967 accounted for only approximately 45% of the voting population.<sup>1</sup> Whites were a majority when it came to voting and taxpaying.

A candidate for office in such a city faces the problem of trying to be responsive to the voting majority, as well as to the actual majority of the city's population, with each having very different needs and aspirations. When Hugh J. Addonizio ran for Mayor in Newark in 1962 and 1966, he met the problem by forming and holding together a coalition made up mainly of Negroes and Italian-Americans. He won both times. But last year's riot may have signaled the end to this coalition.

The Mayor feels that he has done the best possible job, considering the circumstances under which he has been Newark's chief executive. He told an interviewer:

"I don't care if a Negro sat here as Mayor, he couldn't do anything more for the Negro than I've done."

The political problems posed by Newark are reflected in a Commission-sponsored study of attitudes among residents of Newark and adjacent communities. The results show a glaring polarization of Negro and white feelings on key issues. Here are some highlights and conclusions:

"Overall: Attitudinally, whites and Negroes are in two almost separate worlds. On many issues related to future relations between the two groups, Negroes and whites hold almost diametrically opposed views.

"One bright spot is the broad base of both white and Negro support on specific steps to improve Negro status. These include such steps as better schooling for Negroes, improved job training, more government attention to Negro problems.

"Another more optimistic sign is Negro reservations about whether riots and violence will be helpful in advancing their progress.

"Whites tend to be pessimistic about the City of Newark and its future, with Negroes slightly more optimistic."

The survey showed that 40% of Negroes in Newark believed the city would be a better place to live in the next several years, while only 21% of Newark whites shared their feelings.

Only 21% of the Negroes and 19% of the whites believed that Newark was presently a good place to live in. Fifty per cent of the Negroes and 32% of the whites considered it average and 25% of the Negroes and 47% of the whites considered it a poor place to live.

Of Newark's race relations, the survey said:

'The majority of Negroes believe they are denied equal job opportunities, with whites overwhelmingly taking a directly opposite point of view.

"Similarly, most Negroes attribute their lack of progress to white discrimination, while the vast majority of whites say the cause is lack of effort by Negroes themselves.

"Another unpleasant fact of Negro life as they see it is lack of adequate police protection and police brutality—which whites, for the most part, deny exists."

The survey found sharp disagreement among Negroes and whites on the causes of the riots:

"Specifically, the Negroes put these elements at the top of the list of causes of the riots:

"Bad housing.

"Unemployment among Negroes.

"Breaking of official promises.

"Lack of job opportunities.

"Overcrowding of Negro areas.

"Police brutality.

"None of the above items is given significant mention by whites as a cause of the riots. Rather, whites select these items, which ironically are at the bottom of the list for Negroes:

"Outside troublemakers.

"Criminals and hoodlums.

"The search for excitement.

"Young Negroes in particular say the riots were justified, while whites, again by a wide margin, see inadequate justification for the riots.

"Negroes characterize police handling of the rioters as 'too tough', while whites are more inclined to believe that police were too soft in their handling of the rioters.

Both Negroes and whites have much skepticism that the riots will help advance Negro progress. Whites in particular believe the riots have caused the white community to be less sympathetic toward Negroes and their problems.

"Negroes respond favorably to the idea of one of their race being Mayor of Newark (72% in favor), and whites do not voice strong objections (30% opposed). Political consolidation of Newark and surrounding communities as a route to solving Newark's problems has very low appeal for either whites or Negroes."

## CHANGES IN GOVERNMENT AND POPULATION

The political and social problems that beset Newark must be viewed against the background of a long history of governmental troubles and population shifts. Several structural reforms in the city's administration did not yield the results that reformers had hoped for.

Newark's first government was the town meeting established by Robert Treat's Puritan pioneers to operate their theocracy in 1666. It was incorporated as a city in 1836, with a strong mayor-council form of government. In 1917, as a result of a reform movement, the City changed to the commission form of government, with five elected commissioners running the City as a committee. This worked well until the late 1920's when the businessmen who had supported it began to move to the suburbs and lost their steadying influence on the government.

By the early 1950's, the commission form of government had grown unpopular and a city council-strong mayor form of government was re-established. Leo Carlin, a former teamster union official, became the first Mayor under the charter. He served two terms but was defeated by the then Congressman Addonizio in 1962.

The names in the City Government since 1917 reflect the changing ethnic pattern of the city. In the first commission election, there were three Irish names.<sup>3</sup> In 1929, the

first Jewish candidate, Meyer Ellenstein, appeared. In 1933, the first Italian-American was elected. In 1941, Ralph Villani, now the City Council President, was elected, along with four Irish-Americans. That year, the candidates included a Negro.

It was not until 1953 that a Negro candidate was elected to office in Newark. That year, Irvine Turner, a former reporter for a Negro newspaper, was elected a councilman from the Central Ward, a post he still holds.

In 1966, Calvin West was elected councilman-at-large, the first Negro elected on a citywide basis. Councilman West is the brother of Mrs. Larrie Stalks, former home secretary to Mayor Addonizio. She was subsequently named to head the city's health and welfare department.

Negroes may have been the first non-English stock to reside in Newark.<sup>4</sup> New Jersey was a slave colony and a slave state. By the beginning of the 19th Century, there were a few Irish, French and German families in Newark. The first large wave of immigration was Irish and consisted of laborers who worked in the industries, on docks and canals. They were targets of considerable bigotry, since they were Catholic and since there was a high degree of anti-Catholicism in the country.

Negroes were shabbily treated, but there was some stirring of consciences about this. There was an antislavery movement in Newark in the first half of the 19th Century, and its activities resulted in some mob violence by pro-slavery factions. Newark's second mayor, Theodore Frelinghuysen, made attempts to help Negroes. When he ran for Vice President of the United States on the Whig ticket in 1844, out-of-state newspapers called him a "Negro-lover."

But ethnic friction was not limited to Negroes and whites. It also manifested itself among whites. There was increasing anti-Catholic and anti-immigrant feeling as large numbers of Germans came to Newark. Newark's old residents objected to the Germans because some of them were Catholic and did not observe Sunday in the puritanical fashion of the older residents. In 1854, the American Protestant Association Lodge of New Jersey held a parade that went past St. Mary's Church. There was a fight and the church was attacked by the mob.

The Civil War was not popular in New Jersey or in Newark. All of Newark's Negroes were free, but much of the city's trade was with the South. Newark voted against Lincoln in the 1860 election.

The city sent regiments to the Civil War, however, and, like New York, it had many fatherless families and empty-sleeved veterans when the first draft was announced in 1863. New York erupted into the worst riot in American history. For a while, it appeared that Newark might also blow up. There was some rock throwing, but Newarkers finally accepted the draft.

By the beginning of the 20th Century, the Jewish population had established itself in the city and the Irish and Germans were moving out of the laboring class. Their places were filled by Italians, Poles, Hungarians, Russians, Lithuanians, Greeks and others. In the 30-year period between 1880 and 1910, the city's population rose from 136,508 to 347,469. A 1911 survey showed a total of 224,000 "foreigners" (which included all those born of foreign parents) and 11,000 Negroes in the population of 350,000.

This was broken down by nationalities:

Italians	50,000	Slavs	20,000
Jews	50,000	Others	34,000
Germans	40,000	Negroes	11,000
Irish	30,000		



The first great surge of the Negro population came in World War I, when industry sought Negroes to do the work formerly done by the European immigrants. In 1917, the Board of Health estimated that there were between 27,000 and 30,000 Negroes in Newark, most of them recent arrivals from rural Alabama and Georgia.

A City Sanitary Division report made at that time noted that the Negroes suffered mainly from lack of adequate housing. The report said:

"Now white landlord seems to want this class of tenant at all, especially in any modern house, with the result that much overcrowding was unavoidable. There are simply not enough good houses to go around.

The result is a living condition contrary to all good sanitary laws."

Newark opened a "colored school" in 1851.<sup>5</sup> Thirteen years later, it imported a principal named James M. Baxter from Philadelphia. He immediately started a fight against racial prejudice and managed to get a talented Negro girl admitted to the Newark High School in the 1870's. By 1908, the schools were integrated, at least so far as the students were concerned.

It was during World War II that Negroes began their last major surge in the Newark population.<sup>6</sup> In 1940, there were 45,760 Negroes among Newark's 429,760 residents. By 1950, there had been more than a 60% increase. The census that year showed 74,965 Negroes in a population of 438,776.

In the postwar era, young Newarkers began moving to the suburbs, commuting to their jobs in Newark. Negroes from the rural South flooded into the city.

## THE CITY LIMITS

Newark's only natural boundaries are the Passaic River and Newark Bay. On the north, south and west, it shares common city limits with Belleville, Bloomfield, East Orange, South Orange, Maplewood, Irvington, Hillside and Elizabeth. All of Essex County is urban.

The Oranges, Bloomfield, Montclair and Belleville were part of the Town of Newark until the early 19th Century, when they broke away and formed their own government, which is considered ironic by those in Newark who think about the city's problems today.

"The boundaries of Newark contain what some describe as "the residual population" of the city. This does not refer to a particular ethnic group. The thesis is that members of all ethnic groups in Newark leave the city as soon as they reach the appropriate social-economic level. This apparently is as true of Negroes as of the white groups, and it means that there are very few people in Newark who can be considered affluent.

The people who work in the office buildings on Broad Street are mostly from the suburbs. Both Donald Malafrente, administrative assistant to, and spokesman for, Mayor Addonizio, and Henry W. Connor, executive director of the Greater Newark Chamber of Commerce, see Newark as the core of a city, rather than an actual city.<sup>7</sup> If the city limits were expanded to include all of Essex County, the resulting governmental unit would have a much better population balance, with a smaller proportion of those who require a high degree of service, and a broader tax base.

Many in Newark believe that at least some of the municipal services should be provided on a county-wide basis. The Police Department's deputy chief, John Redden, mentioned his department as one of these. There are now more than 20 municipal police departments in Essex County, which makes for problems in such matters as radio

frequencies. A countywide department, even with some elimination of present manpower, would still have about 2,500 men. A force of this size could provide substantial reserves for emergencies, as well as much more efficient police service for the entire county.

## THE ADDONIZIO ADMINISTRATION'S BEGINNINGS

Mr. Addonizio became Mayor of Newark with heavy Negro support. His Congressional district had included the Central Ward, which is heavily Negro, and he had been, in the words of Mr. Malafronte, "the Negro's Congressman". Liberals, both black and white, believed he was genuinely interested in Negroes and their problems.<sup>9</sup>

Some of his key appointees disappeared from City Hall early in his administration, among them Paul Busse, his first business administrator, and Samuel M. Convissor, his first administrative assistant. Mr. Busse and Mr. Convissor became disillusioned and resigned.<sup>10</sup> Assemblyman George Richardson, who was named executive secretary to the Insurance Fund Commission, said he was fired for favoring a civilian review board to handle complaints against police.<sup>11</sup>

The City Business Administrator is a key figure in the Newark government, serving as a city manager. It is a difficult job at best.<sup>12</sup> The Civil Service laws make control of personnel difficult and some of their provisions, such as cumulative sick leave, are very expensive to the cities. The employees consider the cumulative sick leave a form of terminal leave to be used before retirement. One long-time Newark civil servant said in a staff interview that he had accumulated 600 days of sick leave, which he would take before he retires. Mr. Busse had the Civil Service Commission work out a total reclassification of Newark's 7,000 city employees. It was intended to cut costs and increase efficiency. The Mayor agreed to it, but it was never put into effect.

Mr. Convissor was attracted to the Addonizio campaign because Mr. Addonizio had voiced the conviction that all the physical part of urban renewal was present in the city, but that no one was paying attention to the human aspects.<sup>13</sup> Mr. Convissor was instrumental in forming Newark's antipoverty agency, the United Community Corporation (UCC). He resigned in early 1964. He says of Mayor Addonizio:

"The man was a legislator, not an administrator. He didn't know how to take leadership, make decisions."

Assemblyman Richardson testified that Negroes supported Mr. Addonizio for mayor with the idea that he would appoint black people to responsible positions, where they could get the experience needed to take over the city when a Negro mayor was elected.<sup>14</sup> He said, though, that the Negroes found out immediately after the election that the supposed partnership did not really exist. Some of Mayor Addonizio's Negro supporters had hoped that one of their number, Harry Wheeler, a school teacher, would become assistant business administrator, but he was passed over.

As for his own City Hall job, Mr. Richardson said that shortly after he was appointed all decisions were taken away from the office. His theory as to why there are not more Negroes at City Hall is:

"Most young, educated, talented Negroes can't be controlled politically. The Mayor is willing to hire them, but they're politically unreliable."

The Mayor's answer is:

"The Negro politicians won't settle for a piece of the action. They want the whole ball game. Anything we do is opposed."<sup>15</sup>

Mr. Convissor said his efforts to direct renewal and poverty programs in opposition to the plans of Corporation Counsel Norman Schiff or Assistant Business Administrator Dominick J. Miceli elicited this question:

"Whose side are you on? Are you with us or against us?"

Mr. Convissor added:

"They couldn't understand that I was on the side of the community. A series of little pus pockets kept showing up around the city and the noise was quieted, but nothing was really done."

Former Commissioner Salvatore Bontempo had worked in the Addonizio organization in 1963, but withdrew shortly after the election.<sup>16</sup> He said in a staff interview that a committee of businessmen had raised \$25,000 for the campaign at one dinner, hoping that the new mayor could save the city from decay. After the election, the businessmen approached Mr. Addonizio about forming a committee to plan a program, he said, and were told:

"I'm a politician. I know how to get the votes. I'll make the plans."

### **THE CHANGE OF MOOD**

Mayor Addonizio's administration has coincided with the civil rights drive in the North, which began about the time he took office in 1962.



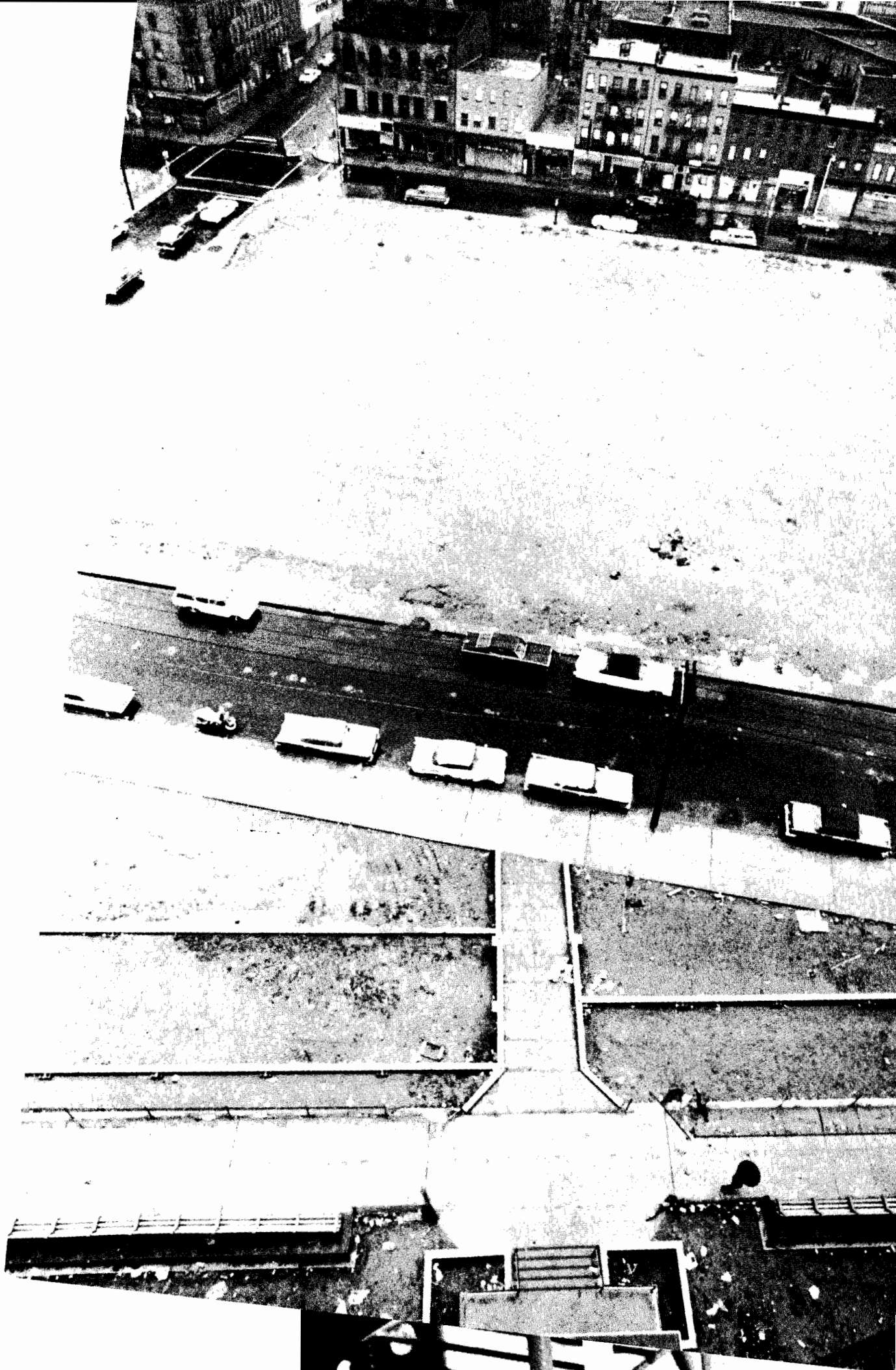


The Congress of Racial Equality became active in Newark early in 1963. An article in The New York Herald Tribune said that Newark and Brooklyn would be targets for protests against discrimination in the summer of 1963. Police Director Dominick Spina said in testimony before the Commission<sup>17</sup> that he first noticed the group in the city when it became active in the Barringer High School demonstration in July of that year. Among those arrested was Robert Curvin, a leader in CORE. The five days of demonstrations ended when Mayor Addonizio formed an organization of civil rights, business and labor leaders to conduct an apprentice program for the building trades.

There was a new spirit among Newark's Negroes. In 1961, the Clinton Hill Neighborhood Council had given its support to a lawsuit by seven individuals to stop the Clinton Hill Urban Renewal Project because blacks and whites in the area did not want to be moved from their homes.<sup>18</sup> Civil rights groups began to refer to urban renewal as "Negro removal." A suit was filed but did not prevail. Meanwhile, funds for the project were tied up by the litigation.

By the summer of 1964, an organization called Students for a Democratic Society had come into the area and was concentrating on housing. It was led by a young man from Michigan, Thomas Hayden, who described it in testimony before this Commission





as "a national left-wing student organization."<sup>19</sup> Mr. Hayden brought the SDS to Newark at the invitation of Prof. Stanley Winters of Newark College of Engineering to assist the Clinton Hill Neighborhood Council. The alliance was brief. Mr. Hayden testified that there was a "very unpleasant split" with the neighborhood council. By the end of the summer of 1964, however, the SDS group had organized in Newark, and when the students left town local people became full-time organizers. The group was renamed the Newark Community Union Project (NCUP).

Mr. Hayden's group concentrated on demonstrations and litigation with landlords. It picketed tenements; issued leaflets charging police brutality or calling for housing demonstrations. The group also demonstrated for traffic lights at various intersections. The traffic light demonstrations were particularly frustrating to Newark officials because they could not install these lights without State approval.

That summer of 1964 was the time when major violence erupted in many Eastern cities. There had been violent demonstrations since 1961, but a new phase opened with the riot in Harlem, which was followed quickly by riots in the Bedford-Stuyvesant section of Brooklyn; Rochester, N.Y.; Philadelphia; and—in New Jersey—Paterson, Elizabeth, Jersey City and Keansburg. There was no rioting in Newark, however.

An incident that many believe might have started a riot in Newark came in 1965. A Negro, Lester Long Jr., had been arrested on traffic charges and shot dead by Policeman Henry Martinez, reportedly while fleeing the police car. The first newspaper report on the morning after the shooting quoted an officer as saying that the policeman had stumbled and fired the fatal bullet accidentally. A later report said he had aimed and fired. The Negro community noted the contradiction and the reaction came quickly.<sup>20</sup> CORE held marches and scheduled Wednesday night meetings in Military Park, inviting the civil rights leader James Farmer to one of them. Mr. Spina<sup>21</sup> says the downtown night meetings frightened merchants and caused them to lose business, but CORE refused to call them off.

There was an insistent demand for a civilian board to review complaints against the police. Reacting to the demand, the Patrolmen's Benevolent Association picketed City Hall. The Mayor announced a policy of having complaints against the police forwarded to the Prosecutor's Office for grand jury action or to the Federal Bureau of Investigation for investigation of possible civil rights violations. The public protest subsided.

Nineteen hundred and sixty-six was an election year. Kenneth Gibson, a Negro engineer, entered the mayoral campaign belatedly, but polled nearly **17,000** votes, enough to force Mayor Addonizio into a run-off. NCUP was supporting Earl Harris, a former Essex County Freeholder and one of two Negroes running for South Ward councilman against the incumbent, Lee Bernstein. The Negro candidates battled one another hard enough to divide their bloc in the run-off and Councilman Bernstein was returned to office.

Newark's city elections are nonpartisan. This is a handicap for Negroes who aspire to political leadership, since there are no clubhouses through which they can find their way into the political organization and earn its support. Consequently, they have to form their own organizations—a difficult task for members of a disadvantaged minority.

The mobility of the Negro population also inhibits its political effectiveness. Albert Black, chairman of the Human Rights Commission, said in a staff interview that, if **30,000** Negroes were registered in a voting drive, **10,000** of them would be unregistered three years later because they had moved. This reduces their strength at the polls.

Heretofore, the Negro economic level has also entered into the political picture. Newark's whites generally are not far above its Negroes on the economic scale, **but** there have been fewer Negroes in a position to contribute to a political campaign. A Negro candidate running with only Negro support would have a great deal of trouble

in financing his campaign. Mr. Gibson<sup>22</sup> feels, however, that by now he could get financial support from the white business community if he ran again for Mayor.

## POST-ELECTION ISSUES

In early 1967, there was an outcry from taxpayers who found that the rate was being increased from \$5.97 to \$7.76. Rubbing salt in the financial wound was the fact that City Councilmen had voted pay raises to all employes, including themselves and the Mayor. The Mayor's increase was \$10,000.

A recall movement started promptly, but foundered. This cut across racial lines. There are Negro taxpayers in Newark who felt the increase as deeply as the whites.<sup>23</sup>

At about the same time, militant groups in the Negro community focused their attention on the controversy over the city plan to give a large expanse of land to the New Jersey College of Medicine and Dentistry.

There appeared substantial support for locating the medical school in Newark. It offered both jobs and improved medical care for the community. The objection was to the amount of land demanded by the school and offered by the city. The Administration also objected to giving up so much of the city's acreage, but when the school's Board of Trustees decided to move to Madison because there was more land available there, Mayor Addonizio agreed to meet the the trustees' demand for 150 acres.

Mr. Malafronte described the administration's strategy:<sup>24</sup>

"When we started to drive for the school, we thought we had unanimity in Newark on the need for it. It was essentially fought on a black-white issue. I must confess we rather leaned heavily on this issue because it is a potent one for the trustees to handle in the battling that went on, and it was quite intense.

"When put to them in that manner, it left them rather defensive. I think it was in fact a fair issue and I personally feel that it was a major consideration . . .

"Here is the way the thing went: We got a copy in advance of the report they were going to make which said, 'Newark is a wonderful place. We would love to go there. It has all the wonderful facilities and so forth, but however, we have this recommendation: that there be 150 acres. As much as we would love to come to Newark, we have got to have those 150 acres; therefore, we are barred from Newark. Although we would love you and we would like to come, we have the professionals, which you go to when you are in a hole, and they said 150 acres. Obviously, we wouldn't come to Newark no matter how much we wanted.'

"We got a copy of the report and said, 'We have been unclone here.' We all sat down with a map and looked around at the area we wanted them to go into, which was Fairmount Urban Kenewal Project. It worked out to 20 acres, if we pushed it, 30 acres, which we felt was more than sufficient for a medical school; still do. It was clear we were hung on their 150 acres as a stipulation, but we did have this rather glowing account of all the advantages of Newark.

"So we thought we would surprise them in this and we cirew a 185-acre area which we considered to be the worst slum area. It included Fairmount and surrounding areas, which was clearly in need of renewal, and we were going to proceed with the renewal in any case for that area.

"We asked for a special meeting with them and at the meeting we confronted them with our offer of 185 acres. At that same meeting, they had arranged to release their report and 150 acres, so we were at an impasse. Their report which said Newark is a wonderful place, but we



need 150 acres and, therefore, we can't come—they were confronted with Newark's countermove of 185 acres. What excuse do you have? That is when the battle was joined. It became unclear. We, I think, in our hearts always felt they were using the 150 acres to get out of Newark.

". . . We felt in the end they would come down to 20 or 30 acres in Fairmount, or in a battle we might have to give up some more acreage. We never felt they would ask for 185. We felt it was a ploy on their part."

Latt: in 1956, the school agreed to come to Newark on assurance that the City would produce 50 acres within a year and 100 more on the school's call. The City asked where the school wanted its first 50 acres and the request was not for cleared land, but for 50 acres across from cleared land. Mr. Malafronte said:

"To us, this was a slap in the face . . . It was ~~our opinion, they were at~~ tempting to get out of the situation in which they found themselves, which was an aroused public demand they come to Newark . . . What they wanted was across the street from cleared land. This to us was in-

sanity and enraging because they knew this was not an urban renewal area. They knew that the urban renewal process is three years and perhaps five."

The school's board of trustees demanded its first delivery from the center of the promised tract rather than in the Fairmount Urban Renewal area. The Administration then moved to get the land through condemnation. In March, 1967, it obtained legislative authorization for condemnation and the issuance of bonds. Meanwhile, opposition had developed and, to clear the area, it was necessary to declare it blighted. Militant groups had been aroused by the size of the land package, and the blight hearings gave them their opportunity to say so.

The UCC conducted a survey of residents of the proposed site that revealed that:

76% wanted the school to locate in Newark.

53% favored it even if it forced them to move.

In the area to be affected first, 45% favored it even if it forced them to move.

47% wanted to move out of the area anyway.

The UCC also found that its survey was the first news some of the residents had had of the proposed location of the school. The UCC adopted a resolution tleploring the methods used to bring the medical school to Newark.

On March 29, 1967, a store on South Orange Avenue was rented by Clinton Bey, who gave his telephone number as that of UCC Area Board 3. 25 Then a man who called himself Colonel Hassan of the black liberation army—actually Albert Osborne of Washington, D. C.—took over the storefront on South Orange Avenue and announced a rally there against the medical school. The rally was scheduled for April 28, 1967. Colonel Hassan's presence disturbed the City Administration, and the police toured the Negro area displaying copies of his arrest record (he had been held on charges of writing bad checks) in an attempt to discourage attendance at the rally.26 They failed. Among those



attending were Mr. Curvin, Mr. Gibson, Mr. Richardson, Central Ward Democratic Chairman Eulis Ward, the Rev. Levin West and black nationalists. 27

On May 19, there was a complaint that a child had been struck by a teacher in Oliver Street School. The Black Liberation Army responded with a demonstration at the school. 28

On May 22, the blight hearing opened before the City Planning Board. 29 It was noisy and ended abruptly when Colonel Hassan's lieutenant overturned the stenographic machine and the colonel tore up part of the tape. Neither man was arrested. The chairman terminated the meeting.

## THE PARKER-CALLAGHAN DISPUTE

Meanwhile, it had become known that the secretary of the Board of Education, Arnold Hess, planned to resign, that Councilman James T. Callaghan would be appointed to replace him and that Mr. Ness would continue as a \$25,000-a year consultant.

On May 23, 30 the National Association for the Advancement of Colored People proposed that City Budget Director Wilbur Parker, the first Negro to become a Certified Public Accountant in New Jersey, be appointed to the post on the Board of Education. Mr. Callaghan is a former labor official who never went to college. Besides his council post, he held a \$10,300 a year job as secretary to the Essex County Purchasing Agent.

The Newark Evening News commented editorially that politicians were fond of saying that Negroes, where qualified, received equal opportunity in public appointments, but that "in Newark's educational system politics is paramount to equality of opportunity." 31

The Board of Education deferred a decision on the appointment and, on May 29, Fred Means, acting president of the Negro Educators of Newark, said: "The Negro community is in turmoil over this injustice. If immediate steps are not taken, Newark might become another Watts." 32

The Board of Education finally took up the matter at a meeting on June 26. The meeting opened at 5 P.M. There were 70 speakers. It ended at 3:23 A.M. The final decision was that Mr. Hess would stay in his job for another year.

It had been a difficult year for the Administration. Mr. Spina testified to the mood that had developed:

"As you sit in the office of the Police Director and you see those swirling movements grow surrounding you, you will note that they grew in crescendo . . . The type of speeches that were made before the Planning Board and the Board of Education tell you, almost predict, that there is going to be blood running in the streets." 33

The medical school and Parker-Callaghan controversies helped set the stage for the July riot. They served to focus the dissatisfaction of the community. The fact that the hearings had been held back-to-back intensified the high feelings.

Former Commissioner Bontempo maintained that it was bad government for the Mayor even to suggest the Callaghan appointment. 34 Mr. Bontempo said that previous mayors had left Board of Education affairs to the board's members and were glad not to have the responsibility.

In this case, with the community already in a mood of dissatisfaction and protest, the Mayor made a political move that could be expected to have racial implications. James Threatt, director of the Human Relations Commission, said:

"The only issue on which I've seen Negroes get truly excited and concerned was Parker-Callaghan. For the first time, you really had a community." 35

On Saturday, July 8, the East Orange police were involved in an altercation with a group of Black Muslims at 91 North 14th Street, on the Newark border.<sup>36</sup> The Newark police were called to the city limits to stand by in case they were needed. There was a fight, and the Newark police moved in to help the East Orange police. Mr. Threatt said the Muslims were beaten as they lay on the ground. Each department, he said, "accused the other of doing the beating."

Newark's mood was ugly.

In spite of all the build-up and tension that Mr. Spina could feel in his office, there is no evidence that the Administration made any preparations for a riot. Its attitude was that to prepare for a riot might spark one.<sup>37</sup> The riot started on the Wednesday after the incident in East Orange.

## **MAYOR ADDONIZIO AND NEGROES**

In 1962, there were no Negroes in City Hall positions of any note. The Addonizio Administration now points with pride to the number of Negroes appointed to high positions. They include Mr. Stalks; Grace Malone, director of the Division of Welfare; Budget Director Parker; and Harold Ashby, president of the Board of Education.

Councilman Irvine Turner, through a close and constant 14-year association with the City Administration that has helped him to build the power of patronage, has substantial support and influence in the Negro community. Although Mr. Turner has been ill for several years, the Commission's survey showed that he is still the most influential Negro in Newark. When Negroes were asked "Who are some of the Negro leaders who are respected and listened to by Negroes in the Newark area?", Mr. Turner was, by far, the most frequently mentioned. He was named by 18% of the Negro respondents. Next came Assemblyman Richardson, with 7%, and the Rev. Dr. Martin Luther King, with 5%. Councilman-at-large West and Mr. Gibson, the former mayoral candidate, each were named by 4%.

Negroes point out, however, that the issue is not simply how many black people are appointed to, or hold, high positions, but whether the Administration as a whole is responsive to the black community, and whether Negroes in office are permitted to exercise independent judgment.

These questions are being asked against the background of rising Negro militancy. The black power movement has come to represent a position that goes far beyond mere responsiveness to Negro problems by articulating the need for possession of greater power by Negroes as a requirement for meaningful change.

Advocates of black power feel that only Negroes are in a position to take the lead in setting the priorities and the pace of action designed to promote change in their communities. They feel that much more than economic deprivation is involved. In their view, it is the sense of powerlessness and the feeling of a lack of control over their own and their communities' fate that is the crucial handicap in the quest for Negro equality and for full dignity in society. A still more militant view advocates complete black control over black communities.

Meanwhile, Newark's political leadership has a long way to go merely to provide essential services to the disadvantaged communities.

Even whites active in these communities agree. Thus, Monsignor Thomas J. Carey, pastor of Queen of Angels Catholic Church in the Central Ward, says he has found City Hall difficult to deal with. As an example, he noted that in 1964 Hayes Homes had been in existence more than 10 years, but that the landscaping and ground lights had not been installed and that there was virtually no police protection for the thousands of residents in the high-rise project. One of the assistants in the parish formed a tenants' league and managed to get 1,000 Hayes tenants to a protest meeting. Mayor Addonizio



attended the meeting, and produced astonishing results. There was police protection that night, and within a very short time, the landscaping and lights were installed.<sup>39</sup>

The priests believe that the Mayor was impressed by the size of the meeting, and reacted as a politician to a situation that, as a public official, he should have relieved long before.

Other city services, too, are considered inadequate by ghetto residents. A major source of frustration is housing. The Negro in a public housing project lives with government. The Negro who lives in a substandard dwelling can rightly blame the city for its condition. If the City Housing Code were enforced, the building would not be substandard.

Even the homeowner can feel housing frustrations. Since urban renewal and highway projects almost invariably cut through Negro areas, the residents know that their homes have a dubious life expectancy. In addition, there is a frustration that all Newark property owners share, regardless of race: taxes. The owner of an \$18,000 home pays nearly \$1,400 a year in taxes.

When it comes to welfare, the poor deal with different offices. Depending on their qualifications, they are supported either by the County or the City. Different interpretations may cause them to be shuttled between the two departments. Red tape may hold up their checks at crucial times. An unemployed father may feel compelled to leave home so his children can qualify for Aid to Dependent Children, which is not paid if the father is living with them.

Negro neighborhoods are dirty because of inadequate street cleaning.<sup>40</sup> A house is gutted by fire and is not torn down. A governmental unit takes over buildings in preparation for urban renewal or highway construction and does not even secure them against trespassers. Cars stand abandoned on the streets for months, but the city does not tow them away, even when complaints are made. They are stripped of usable parts. Sometimes someone sets fire to them, but their hulks still stay at the curb. The abandoned buildings and cars reinforce the feeling of the ghetto dwellers that the City does not care about them. At one point, there was an estimate that the streets contained 1,000 abandoned cars.

The schools are the subject of frequent, widespread complaints. This very expensive arm of the City government, accounting for a third of the budget, is examined in more detail elsewhere in this report, as are other areas touched here only briefly.

## GRIEVANCE PROCEDURES

Citizens' complaints are made either to the city department involved or to the Mayor's office, which forwards them to City Business Administrator Ferdinand Biunno for action.

There is no central complaint bureau, although James Alloway, former City Business Administrator of Woodbridge, N. J., who is now director of the State Division of Local Finance, said in a staff interview that this was a necessity for satisfactory municipal government. Such a central complaint bureau would receive all complaints against city agencies, tabulate them, forward them to the individual agencies and then follow through. This has a dual benefit to the government. It puts pressure on the agencies to investigate and satisfy the complaints, and it gives the top administration an idea of where its problems originate. Thus, an increase in complaints about street cleaning would lead to an administrative investigation of that department to see what was wrong. There are benefits to the citizens, too. They do not get shuffled from one department to another with their complaints and they do not have to deal with an elected official to get the services to which they are entitled.

Mrs. Stalks complained in a staff interview that slum residents do not know how to lodge grievances, although they are eager to do so. She said:

"There are those who just don't come to Broad Street (City Hall). They just don't know. You take a walk or you attend a meeting and you're told that person is paying rent and hasn't received repairs, the apartment hasn't been painted. You ask who do you pay your rent to. They say, 'Somebody.' 'Who?' 'Don't know.' 'When were they supposed to paint?' 'A month ago.' 'Who's doing the painting?' 'Don't know.' "

## THE CITY COUNCIL

The new charter provided that the councilmen should be municipal legislators who attend two meetings a month and are paid \$1,000 a year. They now hold four meetings a month (two of them executive sessions), sit at desks in City Hall, receive \$15,000 a year in salary and a \$6,000-a-year executive assistant is assigned to each of them.

The City Council considers itself an administrative rather than only a legislative body. Mr. Bontempo said:

"They lived under the commission form of government so long, they couldn't understand that they are only municipal legislators."

The first troubles in the Addonizio Administration stemmed from this. Councilmen insisted on being involved in the day-to-day government and on receiving a share of the patronage. Councilmen deal directly with department heads in the City government.

## THE FISCAL PROBLEM

The City's major source of operating revenue is the real estate tax.<sup>42</sup> Urban renewal, the flight of industry and business to the suburbs and various other factors have shrunk the tax base. The City has lost millions of dollars in ratables in the last few years.

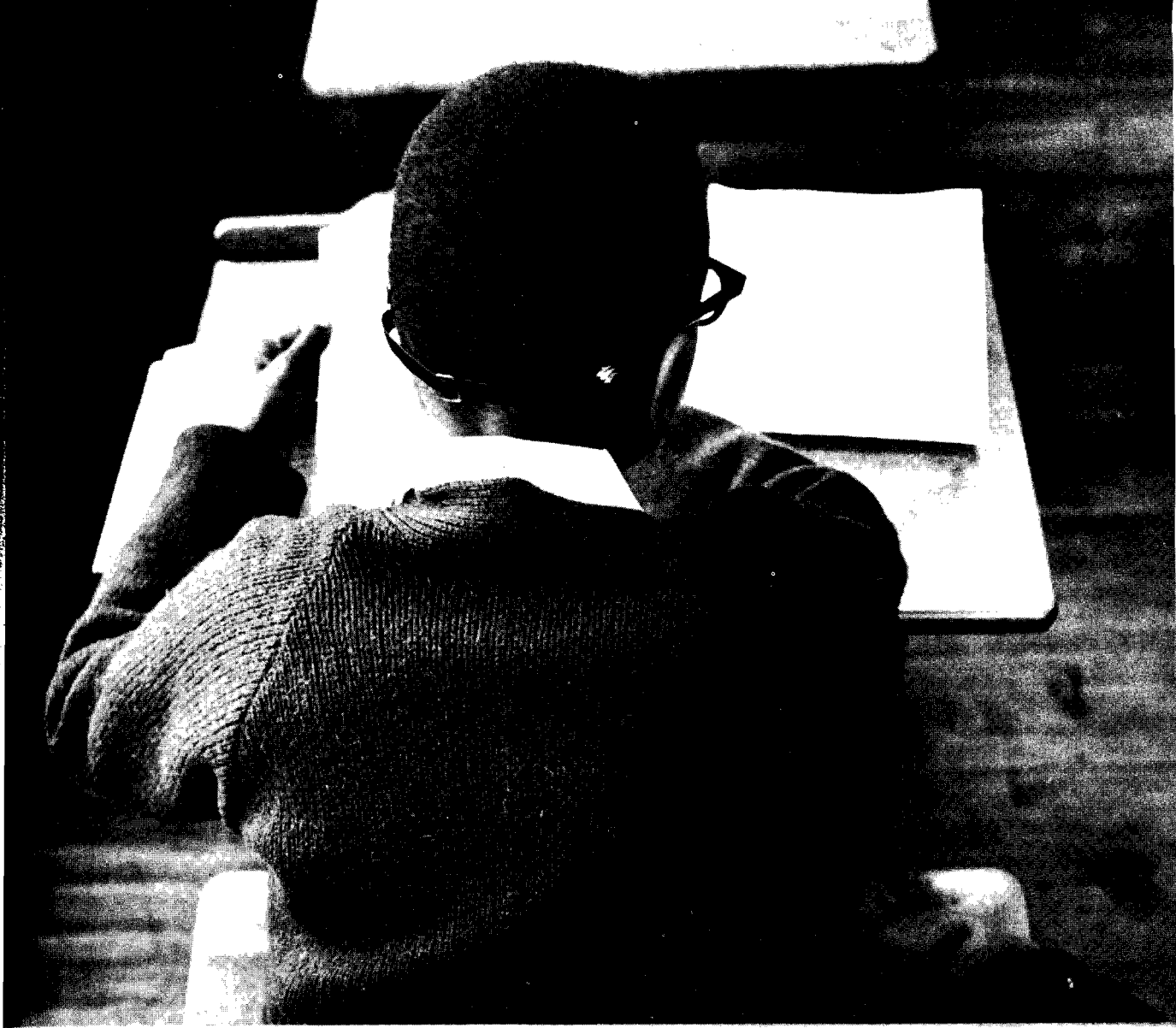
It has a total of 15,085 acres within its boundaries. Of this, 9,139.94 is tax-exempt. The Port Authority accounts for nearly a third of that amount and pays a million dollars a year for it. Originally the lease, signed in 1947, provided an annual rent of \$128,000.<sup>43</sup> In 1962, the City of Newark brought a suit, which it won in 1966. The result was a lump settlement of \$6 million, plus an increase to the present amount of rent. Another suit is pending, in which the city hopes to win a further increase.

The public housing situation further limits the city's tax base. Last year, the city collected only a little more than half a million dollars on the housing authority's property, which has an assessed value of \$144,293,700.<sup>44</sup>

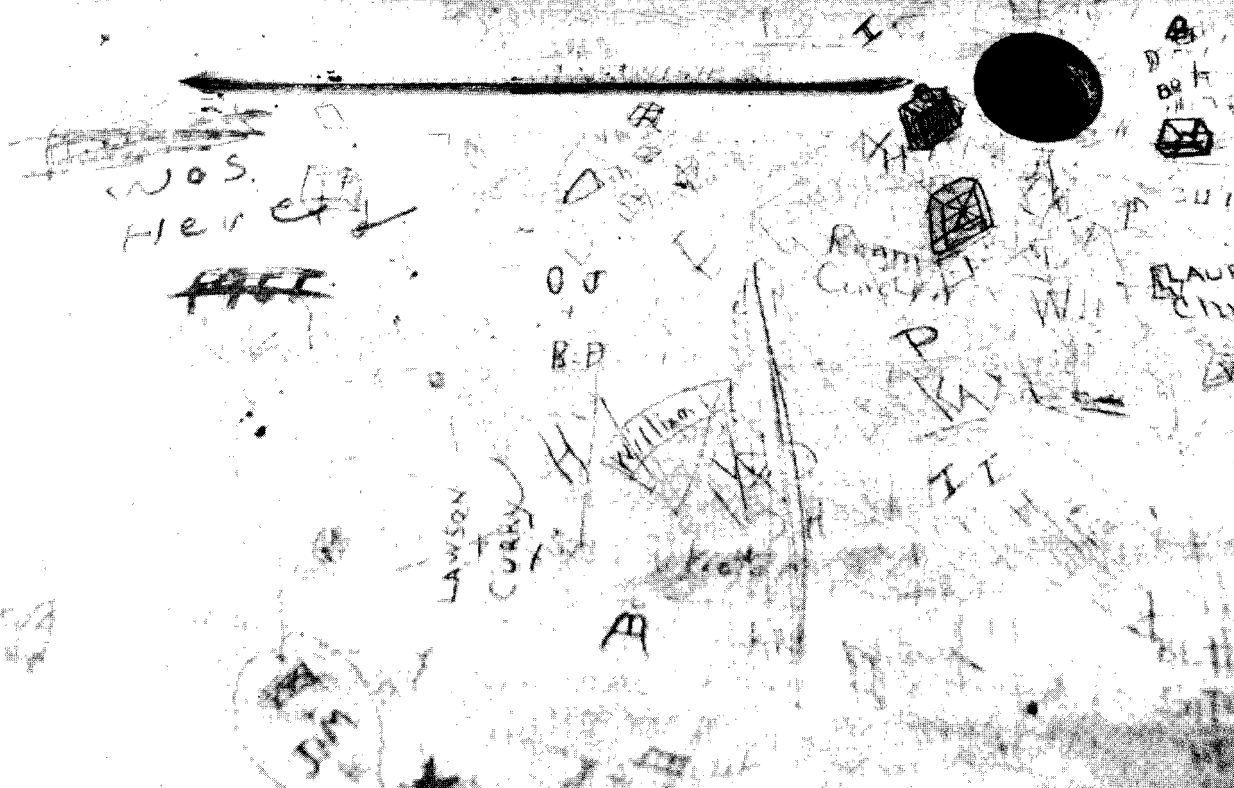
Increasing the frustration is the fact that most occupants of the housing projects are poor people who require much more city service than the average occupant of a tax-assessed dwelling while they contribute little to the city's treasury.

The 1967 tax rate of \$7.76 is nearly confiscatory. This undoubtedly contributes to the decline of Newark. New business construction gets a tax advantage under the Fox-Lance Act, but homeowners, already dissatisfied with life in Newark, are looking at their tax bills and thinking about the benefits of lower-tax communities.

City Finance Director Harry McDowell says the tax rate is driving the middle class out of town, that the limit of bonding capacity has been reached, and so Newark is in deep financial trouble. Mr. McDowell said in a staff interview that there was a direct relationship between the City's financial problem and the riot, and that the lack of resources contributed to the crisis.<sup>45</sup>



MOORE.



## A PERVASIVE FEELING OF CORRUPTION

It is said that the City Commissions of the 1930's and 1940's left Newark a heritage that has not been shaken off. There is a widespread belief that Newark's government is corrupt.

Knowledgeable and substantial people expressed this belief, off the record. A realtor said business won't move into Newark for three reasons: the racial situation, taxes and corruption. A source close to Newark businessmen said he understood from them that "everything at City Hall is for sale." A former state official, a former city official and an incumbent city official all used the same phrase: "There's a price on everything at City Hall."

In the area of organized crime and police corruption, this belief has been reinforced by four Essex County Grand Jury presentments in this decade. There was one presentment in 1961, another in 1964 and two in 1965. This Commission is concerned that no effective action has been taken to follow up on these presentments.

In April, 1965, the Grand Jury presentment charged political interference with the Police Department and a lack of enforcement of gambling laws in Newark. In addition, the Grand Jury criticized the appointment of Harry (Tip) Rosen as public relations man for the Police Department at a time when Mr. Rosen still held a part-time job in a firm owned by Gerardo Catena, "who had been widely reputed to be a syndicate leader in New Jersey."

The presentment said:

"We have a lack of full confidence in the Newark Police Department's enthusiasm for a crackdown on the underworld. Nowhere has our attention been focused on any policy statement by the Police Department vigorously attacking organized crime."

In December, 1965, the Grand Jury returned another presentment on gambling enforcement. Mr. Spina's public response was to label it "vicious." In a newspaper story on Dec. 1, 1965, he challenged Prosecutor Brendan Byrne to show him the organized gambling in Newark. Within 48 hours, the Prosecutor's Office raided two apartments in Newark and charged 15 people found in them with operating a lottery.

When Deputy Police Chief John Redden was asked about the prevalence of book-making and numbers playing in Newark, he told this Commission: 47

"Based on my own experience, based on previous Grand Jury investigations, based on the statement—the public statement—of a man such as former Assistant Attorney General Bergin, I would say that it was very prevalent. It is a very large business."

Mr. Redden also cited that presentment as evidence that assignment of police personnel was made for political reasons.<sup>48</sup>

There is a widespread belief in the Negro community that these Grand Jury presentments were true. Compounding it is the visible evidence in the Negro area of gambling and vice. The feeling was expressed by Assemblyman Richardson in his appearance before the Commission:

"There are some policemen that are interested in this sort of thing (pay-offs, graft). Despite all the dangers of being involved in this all-black community, you couldn't run some of the white officers away from there. In my estimation, that is the reason why (Negro) Captain Williams has not been assigned to one of those Negro precincts because of obvious pressures from other people that have certain influences in the city."<sup>49</sup>

Negroes criticizing the operation of the Police Department cite, among other things, the 1966 indictment of five members of the auto squad on charges of extorting \$9,000 from car thieves. Indictments against one of the five men have since been dropped, but the others are still awaiting trial.

Testimony before the Commission, interviews with responsible people in different strata of the city's life, as well as nationally publicized articles (Life, The New York Times) leave no doubt that the belief that Newark is a corrupt city is pervasive. This has implications for the attitudes of citizens toward law and order which this Commission cannot ignore.

One of the most consistent complaints of Negroes about the city involves politics in the Police Department. A priest who is familiar with Negro problems says:

"The police are the real breakdown in community relations." 50

When he appointed Mr. Spina as Police Director, the Mayor said the appointment was a reward for his political campaign work. Immediately after his appointment, Mr. Spina issued a directive that all personnel assignments would be by order of the director.

When the criticisms of the Police Department were mentioned to Mayor Addonizio during the staff interview, he answered:

"If you have a barrel of apples, you're bound to find a bad one in it."

When the riot started, the Mayor promoted a Negro, Edward Williams, to captain of police. The Administration hoped that promotion of a Negro to that rank would placate the rioters. Mr. Addonizio said in the staff interview:

"We had to promote five men to get down to him on the promotion list. It threw our whole table of organization out of whack."

But the rioters weren't listening—and what was "out of whack" was Newark.

# The Police

Testimony and investigation have shown that relations between the police and the nonwhite community may well be the single most decisive factor for peace or strife in our cities.

The polarization of views on this issue between whites and Negroes is glaring. The Commission-sponsored survey of attitudes in Newark and the immediate vicinity shows that 32% of the Negroes asked think the Newark police are performing poorly, while only 6% of the whites in Newark and 1% of those asked in the close-by suburbs have that low an opinion of the police. At the other end of the scale, a mere 5% of the Negroes asked give the police an "excellent" rating, while 19% of whites and 40% of those in adjoining communities think that highly of police performance.

In answer to another question, almost half of the Negroes asked (49%) think the police are too brutal, but only 5% of Newark whites and 1% of whites interviewed across the city line share that view. Only 3% of the Negroes think that the police are too soft, but almost a quarter (23%) of the Newark whites in the sample think the police have been too lenient.

In studying police problems the Commission, as in other areas, concentrated its resources in Newark. Although the problems of other cities may differ from those of Newark, we believe that the lessons learned in Newark may have some usefulness in other communities.

We focused our study on the personnel policies and practices of the Newark Police Department and on its community relations program; for quality of personnel is the touchstone of performance, and the success of any community relations program depends most heavily on the people who have to carry it out.

## PERSONNEL POLICIES AND PRACTICES

The Newark Police Department has an authorized quota of 1,512 men, approximately one policeman for every 265 citizens. 1 Its annual budget, which totaled \$13,116,892 in 1966, 2 is exceeded only by that of the Board of Education among Newark's public expenditures. With 90% 3 of its budget spent on salaries, the Police Department's biggest investment is in its personnel. Nevertheless, the department faces a serious manpower problem. The major complaint of Police Director Dominick A. Spina is the shortage of policemen—190 below authorized strength at last count. 4 The civil disorder in July compounded the problem. In four months following the disorders, 45 men left the department, either by leave of absence (19), resignation, (15) or retirement (11). 5 This manpower problem affects every aspect of the department's work, from handling regular service calls to coping with civil disturbances. A heavy overtime load has become routine. It is increasingly difficult to free men for special training or to make innovations. Morale suffers in the process.

The department finds it difficult to recruit new members and to upgrade the quality of its existing staff. The roots of these difficulties go deep; they spread over a wide area of policies, practices and regulations.

## HOW ONE BECOMES A POLICEMAN

As in 75% of all New Jersey police departments, Newark's police recruitment is governed by Civil Service procedures and regulations. Anyone who meets the minimum entrance requirements of age, residence, education and health is eligible to take the Civil Service examination for patrolman. 6 About 30%, of the applicants pass. 7 Capt. Edward Krah, director of the Newark Police Academy, believes that a passing grade on the test does not reflect a high school graduation achievement level. He would prefer a series of

I.Q. and achievement tests.<sup>8</sup> High-ranking officials of the Newark Police Department, in interviews with the Commission's staff, suggested some type of psychiatric screening.<sup>9</sup> This suggestion was made as far back as 1957 by Joseph Sugrue, the then Newark Police Director, but it has never been implemented.

The names of those who pass the Civil Service entrance test are sent to the Administrative Division of the Newark Police Department, which then applies its own screening process. A staff of five detectives conducts a character investigation of eligible candidates. The investigation, which takes from four to six weeks, consists of interviews with former employers, friends and neighbors, and checks of military, academic and credit records. The investigator compiles a report and makes a recommendation to the police director, who, subject to review by the Civil Service Commission, has final appointing authority. This screening process eliminates from 25% to 50% of all those on the Civil Service list. Although rejected applicants can file an appeal with the Civil Service Commission, this agency rarely overrules the decision of the director.

Among the grounds for rejection by the director are a criminal record, emotional instability, numerous outstanding debts, patterns of irregular employment and a school record of discipline or truancy problems. A juvenile record per se cannot be used against an applicant, but a "pattern of trouble" is a frequent reason for elimination. Many of these criteria are not clearly defined in official statements or manuals.

On appointment, a patrolman must complete a 13-week training course and a three-month probation period. At a cost of \$3,000 a student, the Newark Police Academy offers 563 hours of course time over a 13-week period. Although time spent in training



appears more than adequate, the qualifications of the teaching staff are open to question.

Three sergeants and a lieutenant, selected by the academy director, Captain Krah, staff the academy. Although the instructors attended special police training institutes, they have neither college degrees nor special training in teaching.

Lectures and discussions occupy most of the students' time. Only 60 hours of field training are included in the curriculum. On graduation, the policeman is assigned to the Patrol Division on probation for three months. At the end of this time, the sergeant in charge completes a recruit evaluation sheet, but this appears to be perfunctory. Recruits are elevated to regular status unless there has been some gross infraction of the rules during probation.

In contrast to Newark, many of the 25% of New Jersey cities whose police recruiting is not governed by Civil Service have higher standards. According to a recent survey by the New Jersey Police Training Commission, many of these cities give oral interviews and seven communities require psychological testing.<sup>10</sup> Almost all the non-Civil Service police forces have a one-year probationary period, which is the minimum recommended by the President's Crime Commission.<sup>11</sup>

## **WHO IS A NEWARK POLICEMAN?**

The Newark Police Department's personnel records, so far as this Commission's staff was able to determine from direct inspection, do not contain statistics on the composition of the force according to age, education, race, nationality, or years of residence. In September, 1966, a personnel information questionnaire was completed by members of the force, but the department had not yet compiled and analyzed the information when Commission investigators sought the data late in 1967. The Commission was able to obtain the limited data presented here thanks to special efforts and cooperation of department personnel.

Every man in the department has a high school diploma or its equivalent. According to Mr. Spina, there are 12 men with associate degrees (two-year college), 10 with bachelor's degrees and two with advanced degrees. Last year, 35 men attended college during the fall term and 14 others joined them in the spring term. Although only 2% of the department's staff have a college degree, this is not unusual for police departments. Out of 13,000 policemen in New Jersey, only 75 have bachelor's degrees, 150 have associate degrees and 10 have graduate degrees.

As to racial composition, there are 145 Negroes and one Puerto Rican in the department.<sup>13</sup> These 145 Negroes and one Puerto Rican serve a city with a population that is at least 52% Negro and about 10% Spanish-speaking. Of those Negroes who are on the force, all but nine hold the lowest rank—patrolman.

## **THE RECRUITMENT PROBLEM**

In 1955, 1,016 applications were filed for one examination for patrolmen. In 1967 there were only 561 applicants for two tests. The number examined is much lower than the number applying and in a recent two-year period only about 10% of those who had applied were appointed.<sup>14</sup>

The manpower problem is traceable to three factors: fewer applicants, fewer qualified applicants and more resignations. In the last four years the problem has become increasingly acute. In the year ending June 30, 1963, the department was able to recruit 81 men; and in 1967 only 53. As the recruitment rate has declined, the resignation rate has increased. From 1930 to 1940 resignations averaged one a year; from 1945 to 1955, the average was 10 a year. In 1967, about 65 men left the force—25 by resignation. This is in addition to early retirements and leaves of absence.



In discussing his recruitment problems, Mr. Spina said:

"We have had constant problems since I have been police director in trying to recruit and we tried everything. You name the scheme or the idea and we have tried it." 15

The recruitment effort has been focused on the Negro and Puerto Rican population of the city, but has been increasingly unsuccessful. Although 24 Negroes joined over a 12-month period during 1962-63, only nine were appointed by December 1967.

The Newark Police Department uses conventional approaches to recruiting, such as Civil Service announcements, signs on police vehicles and in store windows, and freely available application blanks at police stations and at City Hall. The most obvious weakness is that no full-time staff is assigned to recruitment. Successful businesses with manpower needs equivalent to those of Newark's Police Department employ full-time recruiters in the field.

Whatever recruiting techniques are used, the crucial factor in attracting well-qualified job applicants will be their evaluation of the rewards and the challenges compared with the risks and the frustrations of the job. In Newark, the rewards are very limited.

Policemen interviewed for this study agreed that the biggest problem in recruiting is the salary level. As of Jan. 1, 1968, a patrolman's beginning salary was \$6,951. The maximum, after five years, was \$8,002. Leo Culloo, executive secretary of the New Jersey Police Training Commission, believes that because of low entrance salaries police departments will very soon be limited to the lower achievers among high school graduates.

Two years ago, when Newark introduced its last pay increase, its police salaries ranked third in the nation. Now, Newark stands about in the middle. The Policemen's Benevolent Association, which represents the majority of Newark policemen, is asking \$10,000 after five years. The salary level has prompted many policemen to take second jobs. In 1966, Mr. Spina lifted the ban on "moonlighting" and now a policeman can engage in another occupation—other than bartending—with the permission of the director.

In the light of poor working conditions and other detrimental factors, the current salary schedule does not compensate policemen adequately. Working conditions were described by Deputy Chief John Redden, the Patrol Division commander, who testified:

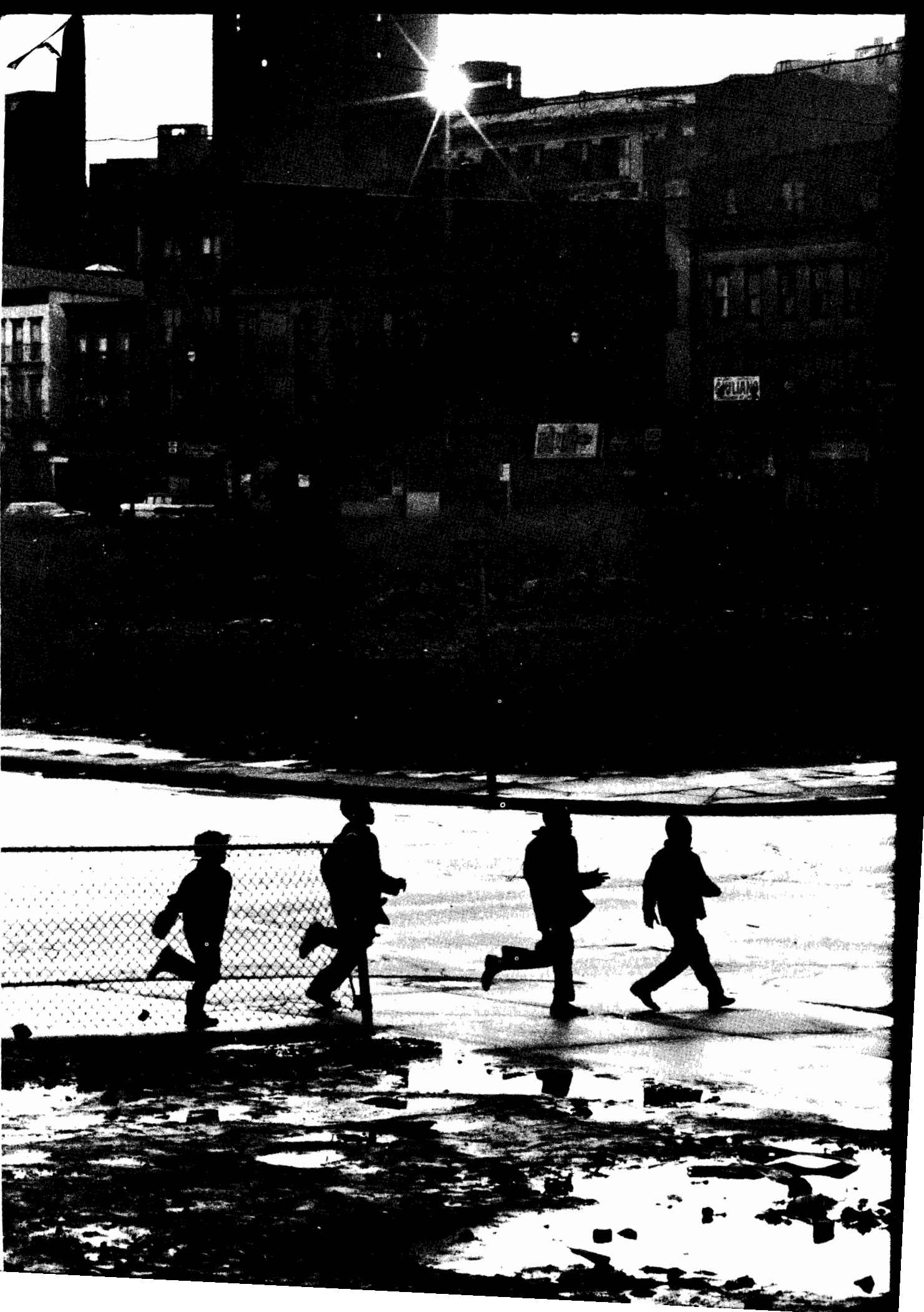
"We are operating out of antiquated facilities. You can't get the best out of personnel." 16

The headquarters and precincts are clingy, inadequately lighted and unattractive. In the absence of an adequate clerical staff, officers type their reports. The International Association of Chief of Police has recognized the impact of poor working conditions on morale and recruitment:

"Police morale is adversely affected as long as police activities are housed in outmoded buildings and personnel are forced to work with inferior equipment. Without proper facilities and equipment, even the most conscientious officer finds it difficult to perform his tasks properly." 17

Even if salaries and working conditions were improved, police departments would still have difficulties attracting qualified men, particularly college graduates. One of the most common complaints about police work in Newark is that a patrolman has too many routine chores that could be handled just as well by civilian employees. License checks, school crossing, parking meter and record keeping duties take up so much of the policeman's time that many of the professional aspects of law enforcement get short shrift. As a result, the policeman tends to become disinterested in his work.

Another problem is the inadequate recognition of educational qualifications. A man with a college degree receives the same starting salary as a high school graduate. This



problem is aggravated by the fact that the only way to enter the department is as a patrolman. Several officers in the department, including the present director of planning and research, recommend that entry should be possible at higher levels. Most college men can not be attracted by a patrolman's job, no matter how badly they want to work for the department.

## **THE MATTER OF IMAGE**

One of the most serious obstacles to effective recruitment is the public image of the police. In commenting on the fact that the 14-man recruit class of February, 1967, was the smallest in the last 40 years, Mr. Spina said that law enforcement did not have the prestige or the attraction that it once had. 18 The Task Force Report of the President's Commission on Law Enforcement finds that the status accorded to the police is far lower than that of other professions trying to attract college graduates.19

The image problem is compounded when attempts are made to recruit nonwhite personnel. Testimony before this Commission, the opinion survey cited earlier and many interviews in the community show that large numbers of Newark's nonwhites view the police as a hostile and oppressive force. Thus, service in the police force for a Negro or Puerto Rican raises problems for him among his friends and in the community. The poor response to the Police Department's recruiting efforts among nonwhites must be attributed in good part to this problem.

Still another factor inhibiting recruitment is the limited opportunity for policemen to broaden their education and further their career. In Newark, the only in-service training offered by the Police Academy is a one-week refresher course given to 40 men each year. No vocational in-service training is offered to new supervisory personnel. By contrast, the Los Angeles Police Department requires each newly appointed sergeant, lieutenant and captain to complete an advance training course in preparation for his new duties.

Although a 1966 survey showed that 800 out of 1,300 Newark policemen wanted to continue their education, the department offers only limited opportunities for a policeman to attend college. A municipal Education Assistance Act will reimburse a policeman for part of his college costs, depending on the grades he receives, and in 1967 the city appropriated \$9,000 annually for police scholarships. Since 1966, 69 men have been awarded scholarships based on a competitive examination. 20

After five years of discussion, Rutgers the State University, agreed in 1967 to institute a Police Science Program, and in September, 1967, the State Legislature appropriated \$25,000 for a chair in police science.

## **PROMOTIONS, ASSIGNMENTS AND DISCIPLINE**

Promotion in the Newark Police Department is regulated by Civil Service. Candidates passing a Civil Service examination are ranked on a list. Although the director has discretionary power to choose from among the top three on the list, the policy has been to choose the top man. Rank on the Civil Service list is determined by weighing a combination of factors including written test scores, oral tests (for captain and above) and seniority. There is no discernible attempt to include an evaluation of the man's over-all performance. This system has been severely criticized:

"Seniority may be taken into account, but it should not govern promotion, and promotion by competitive examination would be quite unsuited to the police system because of the importance of initiative, tact, judgment and other personal qualifications which cannot be gauged by means of an examination paper." 21



There is disagreement within the department about the merits of the system. Several lower-ranking officers feel it is the lesser of two evils. Without this system, they fear that political favoritism would be the sole criterion for promotion.

Assignments are ultimately the concern of the police director, who makes all final decisions. A commanding officer can make some transfers within a division, but reassignments between divisions are in the hands of the director. Critical assignments within a division, such as assigning a precinct captain, also require the concurrence of the director.

One of the most controversial areas of the director's discretion is his power to assign any patrolman to the Detective Division. Although this assignment amounts to a promotion, since it entitles a man to \$300 more a year than a patrolman, no examination is required. The system was initiated by former Police Director Rinaldi in 1955 to provide incentives for patrolmen. In 1958, when Joseph Weldon was appointed police director, the system was changed. Mr. Weldon used three means of evaluation: a written examination, recommendations of deputy chiefs and a rating system.

When Mr. Spina succeeded Mr. Weldon in 1962, the assignment system reverted to pre-Weldon days. After three years of operation under this system, Mr. Spina's discretionary system drew sharp criticism. In the findings and conclusions of a 1965 Grand Jury Presentment, resulting from a gambling raid involving the Newark Police Department, the Grand Jury declared:

"There are things which to us, as laymen, are disturbing. They include:

- a) Political considerations seem to override all else in the assignment of officers to plainclothes and gambling details. We refer to the testimony Director Dominick A. Spina stated that he makes the deci-

sions regarding the transfers of personnel and he uses his own standards, particularly in regard to appointments to rank of plainclothesman and detective.

"All of this has been weighed in the light of Mayor Hugh J. Addonizio's testimony, which indicated that he has made recommendations for appointments and transfers of various individuals to positions in the Police Department, and in many instances these were grounded in political motivations . . .

b) Commanders have little say regarding the composition of their own divisions or squads in a sensitive field of gambling enforcement."

As a result of this probe, the Grand Jury recommended:

"That transfers and assignments, as distinguished from raises in grades provided by Civil Service, should be made on the basis of merit and the good of the service. They should not be made through personal, political, or private motivations."<sup>22</sup>

That recommendation was made over two years ago, but, according to the testimony of Deputy Chief Redden before the Commission, the system criticized by the Grand Jury is still in operation. Mr. Redden said:

"I believe that assignments are made on the basis of politics."<sup>23</sup>

Mr. Redden believes this policy tends to undermine the effectiveness of the department. His testimony also indicates that the system has an adverse effect on the morale of commanding officers. Feelings of frustration have been created within the department because the advice and recommendations of superior officers have not been followed.<sup>24</sup>

One of the least clearly defined areas of personnel policy in the department is its system of internal discipline. A General Order (of May 11, 1966) that establishes policy and procedure for investigation of complaints against personnel states that the responsibility for investigation of personnel complaints is divided between the commanding officers and the Inspection Office. The commanding officers are charged with the responsibility of investigating all complaints dealing with improper procedure and neglect of duty. The Inspection Office investigates all complaints constituting a breach of integrity, attempted violation of any criminal law, the unnecessary use of force and citizen complaints sent to it by the director or chief of police.

If a commanding officer investigates a complaint and finds it warrants disciplinary action, he asks the Inspection Office to take action. If the Inspection Office finds merit in the charge, it will recommend that charges be preferred. After completing its investiga-



tion, the Inspection Office sends its report, including a recommendation on disposition, to the police director. If the director agrees with the office that charges are to be preferred, the office arranges for a Police Department trial.

At the trial, the police director sits as the sole judge. Although formal rules of evidence are not followed, a man must be found guilty beyond a reasonable doubt. The results of trials can be appealed to the Civil Service Commission.

How the system operates in practice may be seen from the chart below. Only some (20%-25%) of the complaints received in the Inspection Office in the past two years reached the police trial stage, but of these the majority resulted in a finding of guilt.

#### Disciplinary Proceedings, Newark Police Department

	Complaints Received	Police Trials	Findings of Guilt
<b>1966</b>			
Internal .....	14	14	8
From Citizens .....	70	3	1
	-----	-----	-----
	84	17	9
1967 (through mid-November)			
Internal .....	41	22	16
From Citizens .....	71	6	4
	-----	-----	-----
	112	28	20

Source: Inspection Office, Newark Police Department.

The fact that only a small number of the complaints received from citizens ever results in a trial has had serious effects on police-community relations. (This will be shown in another part of this report.)

If an officer is tried and found guilty, the punishment varies from a reprimand to loss of vacation or suspension from one day to six months. The average penalty is a three-day suspension.

### COMPLAINTS OF DISCRIMINATION

Negro members of the force feel discrimination most distinctly in assignments. On the other hand, Mr. Spina in his testimony before the Commission, said he had fulfilled the campaign promises of Mayor Addonizio by integrating "every squad regardless of whether it was uniformed or plainclothes."<sup>25</sup> However, Negro policemen who were interviewed believe that Negroes who support the Administration are favored in assignments.

As of late November, 1967, the department's nine Negro ranking officers were assigned as follows: one captain, one of four lieutenants and two of four sergeants were assigned to the Community Relations Bureau. Two lieutenants were assigned to the Detective Bureau, and one lieutenant and two sergeants to the Patrol Division, each in different precincts. Fewer than half of the ranking Negro officers were in command positions.

Negro policemen also feel that they are more severely disciplined than their white colleagues. Although the figures tend to support these feelings, no definitive judgment can be made without taking into account the many additional factors that the Commission was not in a position to evaluate. The fact remains that in a police force that is 10% Negro the proportion of Negroes brought up on charges in 1967 (through late November) was 36%. (Out of the 28 men brought up, 10 were Negroes). And of the five men who have been dismissed since 1962, three were Negroes. Three others were dismissed in 1961.

Negro policemen made it clear in interviews with the Commission's staff that in their view the department is not eager to have them and, once they are appointed, does not

make them feel secure. Since the disorders, they feel that relations have become more strained.

These feelings are bound to affect the morale of Negro members of the department, and the Negro community's attitudes toward the police.

## **POLICE-COMMUNITY RELATIONS**

On Sept. 15, 1967, Mayor Addonizio initiated a program for improving police-community relations. At a cost of \$10,000, 14 policemen were sent to Rutgers the State University for two weeks of intensive training and were charged with launching the program. In March, 1966, a captain and a sergeant were assigned to the new Community Relations Bureau at Police Headquarters. They were to develop programs to promote better understanding between the public and the police and to supervise the new Community Relations Squad, which consisted of one lieutenant assigned to each precinct.

However, the City never appropriated funds to implement any programs. The bureau has had to operate in borrowed office space in the Planning and Research Office of the Auxiliary Police Building. In testimony before the Commission, Mr. Spina said that he had never submitted a community relations budget request because he assumed it would not be approved. He explained:

"I know the Mayor so well and I know the City Council so well."<sup>26</sup>

Thus, only limited activities have been possible. In 1963, precinct councils were formed. These are now under the direction of the community relations officers in each precinct. Since the Community Relations Bureau has no funds for program development, meetings of these councils comprise the major activity of the bureau's staff. However, these meetings appear to have only marginal value. Capt. Edward Williams, director of the Community Relations Bureau, said: "Only the nice people will come to these meetings."<sup>27</sup> In his view there is a little hope that militant community people will participate in the councils.

During September, 1967, the Community Relations Bureau ran a program called "Operation Understanding", in which "ambassador" teams composed of representatives of the police and the community toured key neighborhoods, inviting questions and suggestions for improvement of police procedures. The program was discontinued for lack of funds when the supporting Department of Justice funds were exhausted. A spokesman for the Justice Department's Office of Law Enforcement Assistance said recently that his office would not accept new proposals for community relations programs due to budget cuts and that the burden of financing such programs must fall on state or local governments.

Among special training courses open to Newark policemen, the in-service training program sponsored by the New Jersey State Civil Rights Division has the advantage of bringing outside professional experts to lecture once a week for five weeks. Some 1,100 Newark policemen have taken this course since its inception in 1961. Newark was the first city in New Jersey to institute the course, but since the disorder the course has been discontinued because of a manpower shortage. John P. Linehan, state director of the program, said that the course was not likely to change basic attitudes but might at least make attending policemen conscious of the problems.<sup>28</sup>

A police-community relations program funded by the Justice Department for \$100,000 and involving 138 randomly selected policemen and 165 citizens recommended by various community organizations has yielded some positive results.<sup>29</sup> Although the final evaluation report for this program has not been completed, preliminary findings were discussed by James Threatt, executive director of the Newark Human Rights Commission, in testimony before the Commission. The most significant finding was that the program

had a larger impact on the policemen than on the civilians who took part in it. It appears to have had only a marginal effect in the community since, according to Mr. Threatt, it did not reach the "hard-core" individuals, for whom there was no inducement to participate.<sup>30</sup>

On the other hand, the police psychological test scores reflected more hostile feelings at the beginning of the program. Mr. Threatt testified:

"We found that the police officers generally at the beginning of the program had a very negative feeling about the word 'Negro' and at the end of the program this feeling did move a little toward neutral . . .".<sup>31</sup>

The civilians came to the program "fully willing to accept the fact that police-community relations were a mutual responsibility," he said but the police "felt that the blame should be placed on the civilians."<sup>32</sup> At the end of the program, the police moved toward a more neutral position but did not accept the concept of mutual responsibility.

All community relations programs in Newark appear to suffer from the low priority they have in the department's activities. The various programs and experiments seem to be token gestures rather than meaningful attempts to improve the relationships between the police and the people they serve. This, at any rate, was the gist of responses from people in the community and from some members of the Police Department itself when the Commission staff asked about the impact of police-community relations programs.

## COMMUNITY ATTITUDES

In gathering the attitudes of the Negro community toward the police, staff interviewers talked with about 100 persons, both community leaders and ordinary citizens. These interviews were held in addition to the opinion survey cited at the beginning of this report and dealt with a broad range of issues. In the interviews, certain feelings toward the police were expressed again and again. Furthermore, many of the witnesses who testified before the Commission expressed strong opinions on community attitudes toward the police. No attempt was made to substantiate the accusations expressed in the interviews. The validity of these allegations is less relevant to this discussion than the fact that so many people believe them to be true.

Many Newark community leaders, both white and black, feel that communications between the Negro community and the police have broken down. Shortly after the civil disorder, the Committee of Concern issued a statement signed by more than 50 leading citizens that said in part:

"A large segment of the Negro people are convinced that the single continuously lawless element operating in the community is the police force itself, and its callous disregard for human rights. Many independent observers believe this position has merit."

More recently, Howard Devaney, the regional director of the National Council of Christians and Jews, said:

"The attitude in the community is so bitter now that people will not sit down and talk."<sup>33</sup>

Police brutality is cited as a major cause of bad relations between the community and the police. In his testimony, Mr. Threatt said:

"The point is that people did get their heads beaten and beaten pretty badly, while handcuffed on the ground . . . Police officers who have become *causes célèbres* have to be taken out of all types of public situations, because whenever they become involved they are going to inflame a lot of people."<sup>34</sup>







Timothy Still, president of the UCC board of trustees, testified:

"I think the indictment of the Newark Police Department is that they know they have some bad guys on there and they don't do anything about (it)."<sup>35</sup>

The ordinary citizen's reaction to the Police Department is twofold: he accuses the police of brutality while he complains of a lack of adequate police protection and service. People who live in the Central Ward complain they do not receive adequate protection and service from the police. The Commission's survey revealed that 70% of the Negroes questioned believed their complaints to the police did not receive the same attention as complaints from whites. Residents of the high-rise projects in particular are aggrieved over the lack of protection in their hallways and elevators as well as on the streets.

One factor that contributes to this sense of insecurity is that the police are traveling by car and thus are not close enough to the community. Many respondents said they "never see a cop walking a beat."

Many people also complained that the police do not respond adequately—and sometime not at all—to calls for assistance. A statement repeated over and over again by ghetto residents was:

"The police just don't care what happens to us here."

It was not just the Negro slum dweller who felt that way. Interviews with white businessmen who own stores in the Central Ward also reflected the desire for more protection. Poor and middle-class Negroes alike complained about police brutality and verbal abuse. Opinion survey data reflecting a 49% view that the police are too brutal gain additional significance from the sworn testimony before the Commission and the in-depth interviews of Commission staff members in the community.

Certain patterns emerge from these data. For example, one of the most common situations from which police brutality charges arise is police intervention in a family dispute. Verbal abuse is a constant occurrence in the ghetto, according to many respondents. Negro women complain that the police treat every black woman as if she were a prostitute.

Reinforcing the complaints of misconduct is the frustration over lack of redress for mistreatment by police.

"They can get away with anything they do to us," one woman who is active in the Negro community said, adding: "If a police officer commits a lawless act, do to him as you would a civilian."

The most frequent recommendation of Negro community people for improving police-community relations is to increase the number of Negro policemen. They also want police to be better trained in handling problems in the ghetto.

Mr. Spina thinks the issue of police brutality has been much exaggerated. Civilian brutality in the form of attacks on policemen, Mr. Spina says, is much more significant than police brutality. He often cites the number of assaults on policemen when charges of brutality are raised. Individual policemen claim the allegations of brutality usually are made by criminals.

Nevertheless, the Negro community is of the opinion that no effective means exists for redress of grievances against the police. Although several avenues are open, the effectiveness of each is limited.

One agency charged with grievance investigations is the Inspection Office of the Police Department, which is responsible for looking into every charge of police brutality brought before it by the director. Police Department statistics for the last two years show that 21 such complaints were brought in 1966 and nine in 1967. But in no case has a police-

man been brought up on charges for excessive use of force against a citizen while on duty.

In assessing this record, the Police Department notes that policemen frequently resign from the force after committing an offense rather than face charges. The frequency of this practice cannot be determined, but Mr. Spina said that it happens often.

Fewer complaints of police brutality are brought to the Police Department than to other agencies. Citizens often seek out private lawyers or the Neighborhood Legal Service Project (NLSP), a part of the antipoverty program. These forward the complaint either to the United States Attorney or to the County Prosecutor's Office, or they bring civil suit against the Police Department.

Interviews with the community and NLSP lawyers revealed that people fear some form of police retaliation or harassment as a result of filing a complaint against the Police Department.<sup>36</sup> Another frequent criticism is that after a citizen makes a complaint, he never hears about it again. This is partly because complaints of police brutality generally do not reach the police trial stage. Mr. Spina has not made public any information regarding the disposition of a complaint. In testimony before this Commission, he said that he erred in not publicizing the results of trials and that he would publish every finding of guilt in the future.

On Sept. 15, 1965, Mayor Addonizio reported that the Human Rights Commission was split 6 to 6 on establishing a police review board.<sup>38</sup> The Mayor decided not to establish such a board, but to adopt new procedures in dealing with charges of police brutality. He proposed that all future complaints be referred to the F.B.I. and to the Essex County Prosecutor's Office for investigation.

#### **OTHER AVENUES FOR REDRESS**

A second avenue for redress is the U.S. Attorney's Office in Newark. According to U.S. Attorney David M. Satz Jr., since the adoption of the new procedure by Mayor Addonizio in 1965, no more than seven or eight complaints of police brutality have been forwarded to his office by the City's Corporation Counsel or the Police Department. However, some 50 complaints have come directly from members of the community.

The U.S. Attorney's Office handles these as ordinary complaints of crime. They are investigated under the Civil Rights Act of 1870 by the F.B.I. If evidence of a crime is uncovered, it is submitted to a grand jury. In the last two years, however, there have been no indictments in brutality cases originating in Newark.

According to Arthur Caldwell, a long-time lawyer in the Civil Rights Section of the Justice Department, the chances of winning such cases are poor. He explained:

"Police brutality cases are the most difficult kind of criminal cases. Evidence is hard to come by even when the arrestee is in the hospital. No one has seen anything. Unless the case is really bloody, the jury will assume it wasn't serious enough to warrant punishing the officer."<sup>39</sup>

Mr. Satz explained that it was more difficult to prove a crime under the civil rights statute than to prove a violation of a state statute covering the same unlawful acts by policemen. He added.

"What we're doing should not be construed as review."<sup>40</sup>

A third approach is through the Essex County Prosecutor, who said his office receives an average of 12 complaints of police brutality a year—about half from the Police Department and half from citizens. In the last two years there have been no indictments on charges of police brutality.

One of the major problems in proving these charges is that the situation eventually boils down to a citizen's word against that of a policeman. The policeman's con-

duct must amount to a crime. The prosecutor said grand juries are usually very tolerant of bad judgment by policemen. He added that investigation by his office was "no substitute for administrative review."<sup>41</sup>

In a recent book dealing with police malpractice, Ed Cray cites an additional reason why neither the F.B.I. nor the County Prosecutor's Office can be considered an effective check against police misconduct:

"Agencies empowered to oversee local law enforcement, such as the F.B.I., are reluctant to move against the same men with whom they work and on whom they depend for evidence for successful federal prosecutions. In counties where the district attorney's office is empowered to conduct its own investigations, prosecutions against erring law enforcement officers are no greater in number for the same reason: the district attorney depends on the local police departments for evidence sufficient to convict."<sup>42</sup>

Another possible method to review police actions is for the alleged victim to bring charges against the policeman in Municipal Court. Many of the same difficulties associated with the complaint procedure in the Prosecutor's Office limit the effectiveness of this approach. It is still necessary to prove a crime with the same sorts of evidence. In Newark's Municipal Court, however, there is a more direct impediment to this form of review. The Chief Magistrate of the Municipal Court has refused to hear any cases dealing with complaints against policemen. The Newark Evening News reported Chief Magistrate James Del Mauro to have said in refusing to hear a case:

"I've instructed my court not to take complaints against police officers. We're too busy."<sup>43</sup>

In this situation, to find redress, citizens are bringing civil suits against the City, the Police Department and individual policemen with increasing frequency. About 12 suits are now pending against the Police Department. Charges range from false arrest and assault to more complicated actions under the Civil Rights Act of 1870.

The most complex case is the receivership suit in which the complainant holds the Police Department responsible for "a systematic pattern of violence, intimidation and humiliation to keep the Negro in second-class status."

The defendants are charged with failing to take steps to stop police brutality and with having lost control of the department.

Civil suits are no substitute for independent, nonpolice review. The cost and waiting time in these suits make them an impractical avenue of action for most poor people. In addition, the possibility that the policeman may counterclaim against the person bringing suit makes this risky. Many lawyers are unwilling to recommend this type of action.

In a series on police community relations last year, Douglas Eldridge of The Newark Evening News summarized the situation:

"Many observers think the Newark system could do more to clear the air if all the records were centralized in one agency, and the results were fully and regularly made public. At present, say those observers, federal secrecy and municipal uncertainty about the outcome of cases leaves the public with only assumptions—not specific assurances—that complaints have been properly taken care of."<sup>44</sup>

# The Municipal Court

People in the Negro and Spanish-speaking community come into close and more frequent contact with the Municipal Court than any other. Thus, the Commission focused its inquiry on this court. Newark was chosen as a case study, although the recommendations are not limited in scope or application to Newark.

The Municipal Court handles cases of disorderly conduct, charges of violations of City ordinances, support and other family laws, certain misdemeanors and traffic violations. In the court year 1964-65, this court disposed of more than 18,000 nontraffic cases.<sup>1</sup> The Municipal Court also holds preliminary hearings and provides an opportunity for the setting of bail in most other criminal cases. Almost every criminal defendant arrested in Newark passes through the Municipal Court at some stage in the proceedings.

The court consists of a chief magistrate and three associate magistrates.<sup>2</sup> All work full time, and all are lawyers. (Other magistrates in the state serve only part-time and some are not lawyers.) Magistrates get their position through the political process—nomination by the Mayor and confirmation by the City Council. Appointed for a three year term, they have no tenure. Reappointment for additional terms is up to the Mayor and the Council. Their salaries, too, are determined by these authorities: \$20,000 a year for the chief magistrate and \$17,500 for the associate magistrates.

The Municipal Court is divided into parts, each handling different types of cases. The magistrates rotate in assignment so that each sits on all types. The Commission's study concentrated on Part I, which handles disorderly conduct cases and some misdemeanors. However, much of what is said in this context has relevance to other parts, particularly the one that handles violations of City ordinances.

## THE BAIL SYSTEM

Defendants in cases heard by Part I of Municipal Court appear as a result of arrest. When a person is arrested, he is first taken to the police precinct and held in custody there. Later, he is brought to the downtown police cell block. From the time that he is taken to the precinct, he has a chance to regain his freedom by posting bail.

The amount of bail depends on many factors—the charge, the defendant's background and the ties to the community as well as his previous record.<sup>3</sup> The magistrates normally set the bail and they may be called at any hour of day or night to do it. The magistrates have also given the Municipal Court clerk the power to set bail and they have established a schedule of amounts for him. Thus, it is possible to have bail set at any time. A magistrate may also release a man on his own recognizance without bail. (A small program for releasing defendants on their own recognizance is now being carried on in Newark, and will be discussed below.)

Bail for the sort of offense tried in Part I of Municipal Court normally ranges from \$100 to \$2,500. In most cases, bail is set at \$250, \$500, or \$1,000.<sup>4</sup> Bail in this range is commonly posted through a professional bondsman. The bondsman's fee for a \$250 bail would be \$34; for \$500, \$50; and for \$1,000, \$100.<sup>5</sup> Such large cash payments either are prohibitive or represent a hardship for a poor person. In addition to the fee, the bondsman sometimes demands collateral as security.<sup>6</sup>

If the defendant cannot raise enough cash to satisfy the bondsman, he must await trial in jail. He thus goes to jail not for any crime of which he has been convicted, but for being poor. In Newark, this means more often than not that he is a Negro or a Puerto Rican. A person who fails to post bail is brought to the Police Department's central cell block, where he stays until his first appearance in Municipal Court. The average prisoner remains overnight. Some remain for as much as a weekend.<sup>7</sup> There is a



significant difference here between whites and Negroes: in 1966, a Negro had a 27% greater chance than a white of spending time in the cell block.<sup>8</sup>

The central police cell block consists of 10 cells for men and six for women.<sup>9</sup> Each cell is about 5 by 8 feet in size, with an unpadded shelf along one side to serve as a bench or bed. At the far end of the cell is a seatless toilet and a sink. Three sides of the cell are solid metal and the fourth has heavy bars. There is no light in the cell and the outside light is dim. The cell block has been condemned by the State Department of Institutions and Agencies.<sup>10</sup>

After their first appearance in Municipal Court, those defendants who have not posted bail, and whose cases have not been disposed of, are taken to the Essex County Jail at Newark Street. A recent check revealed about 150 prisoners awaiting trial in Municipal Court." The average time such a prisoner waits in jail is two weeks.<sup>12</sup>

The Newark Street jail was designed to accommodate 308 prisoners, but a recent check showed the average number held to be 433<sup>13</sup> The cells are about the same size as those in the police cell block, but are better equipped.<sup>14</sup> The beds have thin mattresses and sheets, and the toilets have seats. Although there is a small light bulb outside each cell, reading would be difficult. A corrections officer said that he considered the amount of space in the 230 cubic-foot cells adequate but there was certainly not any room to spare.<sup>15</sup> Since the jail is overcrowded, some men do not have cells but sleep on cots set up around the cell blocks. The Newark Street jail is scheduled to be replaced by a new structure, designed to hold 532 prisoners. It is likely to be overcrowded by the time it is built.

Prisoners are not allowed to telephone.<sup>16</sup> They may send letters or telegrams, but these are censored. Visiting hours are limited to two days a week, and visitors are screened. Facilities for conferences with lawyers are adequate.

Like those held in the police cell block, the prisoners at the Newark Street jail also have not been found guilty of any crime. They are being held only to assure their appearance in court. But although this may be the purpose, waiting in jail has other by-products and these affect a person's willingness or ability to seek full justice. For one thing, waiting in jail reduces the opportunity for successful defense. Even when a defendant does not plead guilty, his desire to have his case heard quickly conflicts with his urge to defend himself. Some defendants will not risk the exercise of their rights when they know that any delay this causes in disposition of their case means more time in the Newark Street jail.<sup>17</sup>

Conditions of the jail also make it difficult to prepare a defense. Communication with lawyers must be in person, since telephoning is not allowed.<sup>18</sup> Letters and telegrams would not be a practical alternative, even if they were not censored.

The bail system is faulty on other grounds as well. It does not provide adequate security that released defendants will return for trial. Since the fee to the bondsman for posting bail is not refunded to the defendant regardless of whether he appears in court,<sup>19</sup> the defendant has no financial incentive to return to court. The only real security is the defendant's own view of his interest and sense of responsibility. Against this background, it is not surprising that the experiments in release on recognizance that have been carried on in Newark have been successful in getting defendants to return for trial. In the summer of 1966, only three defendants who, as part of this program, were released on recognizance failed to return for trial.<sup>20</sup> The rate of return of defendants released through the present volunteer program is consistently higher than that of persons released on bail.<sup>21</sup>

The total cost of the bail system is enormous. Beyond the price it exacts from individuals, there is the social cost in family dislocation and lost jobs caused by the jailing of wage earners. The Government bears part of this cost in increased welfare expenses. Jailing defendants who cannot raise bail also increases the cost of running the jail. Just to feed an extra prisoner for a day costs \$0.62.<sup>22</sup> If the situation on the day of the check at the Newark Street jail is typical, more than \$33,500 a year is spent to feed prisoners awaiting trial in Municipal Court.

A few defendants avoid the bail system through a program of release on recognizance operated by the Legal Aid Society of the Rutgers Law School. Two or three volunteer students staff the program each morning.<sup>23</sup> The students ask a prisoner standard questions about his links to family and community and then check by telephone the information given them. On the basis of this information the students recommend release on recognizance for about six defendants a day.

The students limit the program to defendants charged with disorderly persons offenses or ordinance violations. They do not consider those charged with misdemeanors, even though in some cases the charge will be reduced before trial. The reason why the student program is limited is that the magistrates are reluctant to release misdemeanor defendants without bail.<sup>24</sup> The students work only in the mornings. Most of those interviewed by the students have already spent most of the night in the police cell block.

## THE COURT IN ACTION

Because of the large number of cases heard in a day, the visitors to the Municipal Court cannot avoid the impression of an assembly line. Chief Magistrate Del Mauro has used this analogy in describing his court.<sup>25</sup> Some of the magistrates constantly remind participants in the court process to keep up a brisk pace.<sup>26</sup> Even where the magistrate does not hurry the pace, the speed of the proceedings is bound to make a defendant feel rushed. It is apparent to everyone that many cases are waiting.



The Municipal Court makes monthly reports of the number of hours that the magistrates spend on the bench and the number of cases they decide.<sup>27</sup> From these figures it is possible to calculate the amount of time a magistrate devotes to a case. In cases handled in Part I in 1964-65 it was 6.4 minutes a case, and for May, 1967, it was 8.4 minutes a case. The actual time spent considering a case is likely to be less, since the total time includes delays, the setting of bail and other court functions not directly related to testimony and decision. The time actually spent in trial of a typical case ranges from 2 to 12 minutes.<sup>28</sup>

In this brief span, the defendant must be brought before the court, informed of his rights and given the opportunity to exercise them. Magistrate Del Mauro asserts that every defendant in Municipal Court is informed of his rights.<sup>29</sup> But whether defendants understand what they are told is a different question. The time available offers little opportunity and the atmosphere little encouragement to bring up questions.

The right to plead not guilty seems to get across to defendants, since about half of the defendants in Municipal Court plead not guilty.<sup>30</sup> While this is a substantial number, the question is whether there are factors that discourage other defendants from so pleading, if that is the best plea for them. By pleading guilty when he is first brought before a magistrate, a defendant can get his case disposed of on the spot. If he pleads not guilty, there is usually a delay—often a week and occasionally more—before the case can be decided. For the defendant who has not been bailed, it means losing at least one more day of work to attend court for the trial. Also, some defendants, feeling they cannot afford to lose time, may not realize the effect that conviction has on later employment opportunities. If delay and no bail inhibit a proper plea, the community loses faith in justice.

The magistrate is not allowed to accept a plea of guilty unless he is satisfied that it is made freely and that the defendant understands the nature of the charges against him.<sup>31</sup> Sometimes full inquiry is conducted. Often, however, guilty pleas are accepted without any attempt to determine whether the defendant fully understands the consequences of his plea.<sup>32</sup>

The Municipal Court makes it a point to inform defendants of the right to be represented by a lawyer. Every person who proceeds without help of counsel first signs a formal waiver indicating that he has been informed of his right to counsel and has decided not to be represented. Magistrate Del Mauro has said that at least 40% of the defendants in Municipal Court are represented by lawyers.<sup>33</sup> According to a sample of case records, only 23% of defendants had lawyers—17% of those who pleaded guilty and 28% of those who pleaded not guilty.<sup>34</sup> Whichever figure for the percentage of defendants represented is accepted, it is clear that most people brought before the Municipal Court do not have lawyers.

Judge Del Mauro explained that, although lawyers are important in Municipal Court, defendants who waive their right to be represented know what they are doing.<sup>35</sup> He said that some of them had been before the court many times and were experienced enough not to need lawyers. Nevertheless, examination of case records reveals that representation by counsel is a crucial factor<sup>36</sup>—29% of those represented by lawyers were not found guilty while only 13% of those not represented were not found guilty. Of those convicted, 33% of those represented were given jail terms, while 50% of those not represented were committed to jail. It seems clear that a person without a lawyer is at a substantial disadvantage both in determination of guilt and in sentencing.

Since the establishment of the New Jersey Public Defender Office, no lawyer has been assigned regularly to the cases involving nonindictable offenses heard in Municipal Court. According to Public Defender Peter Murray, the lawyers from his office become involved in cases of nonindictable offenses only as result of having represented the de-

defendant in a more serious charge, which then was reduced.<sup>37</sup> Since many cases in Municipal Court never involve an indictable charge, these are beyond the Public Defender's range of activity.

Magistrate Del Mauro said the fact that there was no lawyer specifically assigned to defend cases in Municipal Court did not mean that indigents desiring appointed counsel had difficulty in exercising their rights.<sup>38</sup> He said that any defendant who insisted on his right to be represented had counsel appointed for him. Judge Del Mauro added that he had appointed the Public Defender to represent an indigent, even if the case was not within the office's normal scope of operations. If there is no institutional source of lawyers for indigents, it is still possible for a magistrate to appoint private counsel. Such appointment, however, would normally entail more delay than the appointment of an institutional lawyer, since a private lawyer would not be on duty in court.

One reason why more defendants are not represented by counsel in Municipal Court is the feeling of many defendants, reflected in interviews with community people and lawyers, that they are expected to waive the right to counsel.<sup>39</sup>

Loss of time is another deterrent to requests for counsel. Such a request may cause a delay that will mean more time in jail or another day of work lost to attend the trial. In many cases, defendants do not think that a lawyer will be of any help.<sup>40</sup> Furthermore, an appointed lawyer has little time before trial to prepare a case. And some defendants are so convinced that the court is unfair that they make no effort to defend themselves.<sup>41</sup>

The basic problem, however, is that an unsophisticated defendant cannot be expected to know the many reasons why professional counsel is important and helpful. It is the paradox of the right to counsel that many a defendant needs a lawyer to tell him whether he needs a lawyer.

## WHAT A DEFENDANT SHOULD KNOW

There are some rights of which a defendant is often not informed in Municipal Court. Chief among these is the right to appeal.<sup>42</sup> Notice has to be filed within 10 days to begin an appeal.<sup>43</sup> Without being informed of the right to appeal and its limitations, a defendant cannot be expected to act within the time limit. However, even if



all defendants were informed of this right, very few would be likely to use it. A lawyer is virtually indispensable for an appeal. The cost of a private lawyer for an appeal is substantial, and, apart from the cases handled by the Public Defender, there seems to be no organized procedure for the appointment of counsel for appeal.

The defendant is also usually not informed of his rights to remain silent and to compel the attendance of witnesses to testify on his behalf.<sup>44</sup> These rights are generally not exercised. The defendant is usually the sole witness for himself. Again, it is unlikely that a defendant could exercise these rights effectively without an attorney. A defendant cannot be expected to know how to subpoena witnesses or when silence is in his interest.

In the normal trial in Municipal Court, there are very few witnesses.<sup>45</sup> The complaining witness—either a policeman or a civilian whose testimony is normally supported by an arresting officer—appears against the defendant. This testimony is followed by that of the defendant, and sometimes that of one supporting witness. Typically, the testimony will be a direct report of observation of the commission of the crime. Most cases turn on which witness's story is believed. Judge Del Mauro said that, in deciding issues where there is contradictory testimony, he takes into account the circumstances and decides which witness to believe.<sup>46</sup> Where the arresting officer is a witness, Judge Del Mauro said it had to be taken into account that "the policeman wouldn't arrest a man for nothing." This view of the magistrate gives extra weight to the testimony of the arresting officer and helps account for the frequently voiced views by people interviewed in the community that they can't win anyway.<sup>47</sup>

A certain number of defendants are found not guilty. In 17% of the cases in the sample studies, the charges were dismissed at trial or the defendant was not found guilty.<sup>48</sup> In most of these cases, however, the outcome was not the result of a contested case. A few dismissals are on the motion of the police or prosecutor. In some cases the complainant fails to appear or, as in reciprocal assault cases, changes his testimony. Sometimes one of several defendants charged with one crime is not convicted, or a defendant is not convicted of one of several crimes with which he is charged. Together, all these classes comprise nearly three-quarters of the dismissals and findings of not guilty. Some of the remaining cases are the result of contested trials, and in others there is no explanation recorded for the result. Counting all unexplained decisions as not guilty or dismissal after a contested case, this group amounts to about 6% of the total number of cases.

The sentences in Part 1 of Municipal Court, which handles the more serious cases such as disorderly persons offenses and some misdemeanors, are about equally divided between jail terms and lighter sentences. Most of the jail terms are short—for three months or less. The lighter sentences are mostly suspended jail terms, usually in conjunction with probation and a fine.

Judge Del Mauro noted that many of the people who come before Municipal Court never have contact with any other court.<sup>50</sup> Thus, he said, their impression of the Municipal Court is especially important. The judge thought that the Municipal Court created a good impression of the court system in the people who come before it.

The first reaction of a defendant to the Municipal Court, however, seems to be confusion.<sup>51</sup> Many defendants do not seem to understand what is happening to them. The physical appearance of the courtroom and the style of proceedings astonish many people. Some say that the Municipal Court does not look or sound like a court. In the view of people in the community, there is no dignity to the proceedings. Many people come away with the impression that the Municipal Court is an arm of the Police Department. Few expect the magistrate to listen to their side of the story.

There is widespread feeling in the Negro community that the Municipal Court or some of its magistrates discriminate against blacks both in conviction and sentencing.<sup>52</sup> This adds to the feeling of Negroes, who comprise a large majority of the defendants appearing before the court, that they will not get a fair hearing. As to the lawyers, most view work before the court as a burden.<sup>53</sup> Some feel that it is impossible to do a decent job of representing a client in that court. A lawyer who takes the time necessary to try a case carefully is treated, in the words of one of them, as an obstructionist. The magistrates are not receptive to legal arguments.

# The Economic Framework

Modern technology has drastically altered the face and function of cities in America today. Improved transportation has made it convenient for the middle classes to migrate to the suburbs. Automation and greater mobility have enabled industry to locate plants outside the city, where larger plots of land are available.

At the same time, industrialization is placing a premium on higher skills and more specialized knowledge. The mechanization of agriculture has uprooted millions of Southern Negroes and Spanish-speaking people—mostly from Puerto Rico—who once were able to make their way by farming or by working as unskilled laborers: These people have migrated to the cities, where they thought they would find better homes and jobs.

A recent Rutgers study found that only 17% of Newark's Negroes over 16 years of age were born in Newark. Forty per cent have moved to the city since the mid-fifties and a majority of them came from the South.<sup>1</sup> The migrants need a wide range of public services, while they find it difficult, due to inadequate education and skills, to find work. The result is a net outflow of production, human resources and tax revenues from the city, accompanied by a steep rise in the need for municipal services to the poor.

Some cities still have desirable land and large numbers of middle and upper income residents, and are still able to spread the cost of services. Some cities have remained vigorous as cultural and educational centers, or as centers for trade and finance, office and merchandising operations. However, even these activities can operate in the suburbs, especially as communications and the computer decrease the need for the offices to be within walking distance of one another.

As white middle-class residents moved to the suburbs, unskilled migrants from the South and Puerto Rico came into the city, keeping population figures fairly constant.<sup>2</sup> But the new arrivals, due to lack of skills and to bias, could not compete for many of the available jobs, many of which were filled by the remaining white population—the residuals. This residual group thus gains privileged access to job opportunities in the city. The pattern is especially apparent in the middle echelons of public service. In the process, some mediocre talents are well rewarded. Thus, the decline of the city presents a new opportunity to the older residents. In Newark, only 18% of all employed Negro males hold white-collar jobs, whereas 43% of employed white males work in this field.<sup>3</sup>

The presence of the new immigrant population has also maintained the city's economy in other areas. For example, in housing, they provide a market for the city's old and deteriorating dwellings. With the aid of the Federal Government, they even attracted new housing, which has mushroomed into Newark's vast public-housing projects.

As these trends continue, the residual population can no longer meet the need for manpower in essential services. This is an incipient problem for the Police Department and has already occurred in medicine. As the decline becomes more apparent, as City services become poorer and as racial tensions mount, the flight of the remaining white middle-class population accelerates, and the City's problems become virtually unmanageable.

What is left is a racial and economic ghetto. A vast portion of Newark can now be called that. The number of black and Spanish-speaking people has steadily increased until they represent more than 60% of the city's population. Of the remaining whites, a quarter are in the 55-and-above age bracket,<sup>4</sup> further underscoring the trend toward a completely nonwhite city. Meanwhile, many of the nonwhites are compressed in the tightly packed central core. The area of Newark defined as "core" in the recent Rutgers survey now holds a population that is 90% Negro, in contrast to 68% in 1960.<sup>5</sup> This same suffers from an acute unemployment rate, which soars to almost 40% among teen-

agers. The people in the area who do have jobs frequently earn marginal wages, and often do not find full-time jobs. This "subemployed" population must be considered along with the unemployed for a realistic appraisal of the situation.

## WIDENING OPTIONS

The strategy to deal with this problem must be developed in the context of the objective of a fully integrated American society. To work toward this goal, and at the same time to help the poor in the ghettos get on their feet as quickly as possible, requires a start in the ghetto. Hand in hand with the development of the human resources of the inner city must go the redevelopment and renewal of its physical plant. The city core must once again become a site of good homes, of an active cultural as well as commercial life—in short, a desirable place to live. As this total renewal process gets under way, the options widen for all concerned. Negroes who can afford to move to the suburbs may do so or they may choose to stay in such a new city. Whites who now live in the suburbs may well take another look at the reborn city, and decide to move back. The objective is maximum freedom of choice for all concerned by the simultaneous development of the inner city's human and physical resources, and of policies and programs that create condition<sup>4</sup> for full integration throughout metropolitan areas.

Society has not even begun to come to terms with the problem. This is apparent when the need is compared with presently available resources. Newark, beset by the most complex urban problem in the State, illustrates the disparity.

Almost all Newark's schools are overcrowded and many of them are aging and obsolete structures built at the turn of the century.<sup>6</sup> The cost of rehabilitating or replacing them is estimated at \$200 million to \$250 million, many times the amount Newark can raise through debt financing.<sup>7</sup> In the last 10 years, school enrollment has gone up sharply—by some 18,000 to 20,000 children.<sup>8</sup> Moreover, the child of a ghetto environment often needs special schooling to fill gaps left by educational neglect. The New Jersey Commissioner of Education told this Commission that Newark should spend between \$2,000 and \$3,000 a child.<sup>9</sup> Yet, Newark has not undertaken a wide-scale effort to provide special programs for its underprivileged children.<sup>10</sup> Moreover, if Newark kept all of its young people in school until graduation, it would have to accommodate up to 50% more students in the upper grades.<sup>11</sup> Based on these figures, the cost of improving the school system and providing a full education for everyone under 18 is roughly three or four times the present outlay for operations and capital improvements—or about \$150 million or \$200 million for operations and well over \$200 million for new construction. (See chapter on public schools for further details.)

An estimated total of 14,500 unemployed persons lives in Newark today.<sup>12</sup> Present job training efforts may reach about 4,000 to 5,000 persons.<sup>13</sup> Assuming these efforts to be qualitatively sufficient—an unwarranted assumption as documented later in this report—job training efforts in Newark should be doubled or tripled. The present commitment under the Manpower Development Training Act, the Neighborhood Youth Corps program and the Concentrated Employment Act, from other government and from private sources is about \$10 million annually. But this effort is clearly inadequate. An improved basic education program will alleviate the unemployment for future generations, but currently perhaps one-third of Newark's youth are unemployed and not in school.<sup>14</sup> This points up the urgency of action on the employment front.

About one-third of the housing stock in Newark—some 40,000 units—is substandard or dilapidated.<sup>15</sup> An estimated total of 17,000 households are poor and subsisting on less than \$3,000 a year, and 22,000 other households realize only from \$3,000 to \$4,999.<sup>16</sup> At present, there are 13,592 units of public and moderate income housing in existence or being built.<sup>17</sup> Newark's Model Cities application contemplates building only 5,000 new

homes, to replace the most severely deteriorated units in the model neighborhood. Only 20% of these will be for low-income families.<sup>18</sup> The gap between present public planning and need remains largely unfilled. Assuming better schools and a massive adult-education and job-training effort, the number of impoverished families should eventually dwindle and more families should be able to afford higher-priced housing. But education and training are slow processes, and the housing problem is critical today.

Schools, higher education, job training and housing programs could realistically utilize \$150 million to \$200 million more annually. If and when the money becomes available, careful programming of priorities and planning is necessary.

## AN ASSESSMENT OF PRESENT RESOURCES

There is no way for the City by itself to raise additional revenues. In recent years, Newark has failed to produce even \$120 million annually for its schools and municipal functions.<sup>19</sup> It is obvious that no amount of careful budgeting and frugal administration will yield the needed resources.

The city's chief source of revenue, the property tax, has reached prohibitive proportions and now contributes to the problem by driving employers and homeowners out of

**TABLE 1**  
Where the City dollar comes from: ...  
Newark and Cities of Comparable Size

	17 Cities of 500,000 to 999,999 People	21 Cities of 300,000 to 499,999 People	Newark	Sample of 17,690 Cities of Less Than 50,000 People
General Revenue				
From State Government	17.9¢	13.9	13.0¢	16.0
From Federal Government	8.3	3.9	9	2.5
From Local Government	1.3	4.8	1.6	1.9
Local Property Tax	40.5	36.2	69.4	39.8
Other City Sources	32.5	41.3	15.1	39.9
Totals	\$1.00.	\$1.00.	\$1.00.	\$1.00.*

Source: U. S. Department of Commerce, Bureau of the Census, City Government Finances in 1965-1966; GF No. 12, P. 7, 36.

\* Rounded off.

A B C D E F G H I J

1 2 3 4 5 6 7 8 9 10

the city. (A proposal to alleviate this problem will be found under "Housing".) As shown in Table 1, Newark relies on its property tax to raise \$7 out of every \$10 of total revenue, while cities in other states of comparable size, in the aggregate, raise \$4 out of \$10 in this manner.

Debt limitations and practical considerations prohibit further borrowing. In 1966, the cost of Newark's debt was in excess of 10% of all municipal expenditures.<sup>20</sup> The wisdom of using debt financing for constantly recurring government capital needs has been questioned by the State Tax Policy Commission, which recommends steps toward putting school construction in the State on a "pay-as-you-go basis".<sup>21</sup>

The City needs revenue from beyond its borders. This becomes steadily more urgent. Present aid levels from both the State and Federal Governments, however, are wholly inadequate. This becomes all the more relevant in light of the fact that the problems of the poor are national. Many of the poor who crowd the cities are recent arrivals from elsewhere in the nation and many of them will move on.

## STATE AID

New Jersey has not yet done all it can to tap its total revenue-raising capacity. The State has left local governments to fend for themselves. This has led to glaring inequities. New Jersey traditionally has had the doubtful distinction of spending less per capita in State aid to local governments than any other state in the Union. As shown in Table 2, New Jersey's local governments receive less than half of what other local governments receive in State aid for every dollar of revenue raised.

TABLE 2  
Sources of State and Local Revenues:  
National Averages, New Jersey and Newark

Revenue Source:	Federal Govt.	Property Taxes	Other Taxes	Miscel. Revenues	From State Govt.	From Local Govt.	Totals
<b>National Averages</b>							
State .....	25.1%	1.8%	61.1%	10.9%	.....	1.1%	100.0%
Local .....	2.6	44.9	6.6	15.1	30.8	.....	100.0
<b>New Jersey</b>							
State .....	22.8	.2	57.8	16.2	.....	2.9	99.9
Local .....	2.3	66.2	6.0	11.1	14.4	.....	100.0
Newark .....	.9	69.4	8.4	6.8	13.0	1.6	100.0

Source: Census data, in Census, *Governmental Finances in 1965-66*, GF No. 13, P. 31;—City Government Finances in 1965-66, GF No. 12, P. 7.

Newark is especially badly off in terms of State aid. Within New Jersey, it receives a smaller proportion, relative total revenues from the State, than other New Jersey cities. (See Table 2.) And, on the national scale, it receives a smaller proportion of its revenue from the State than the average for other American cities of comparable size, smaller than the average for smaller and larger cities as well. (See Table 1.)

Measured in terms of state aid for particular functions, New Jersey's record still is poor. The national median of direct state aid to education is \$41.53 per capita, while the New Jersey rate is \$18.88 and ranks last.<sup>22</sup>

On welfare and other personal services expenditures, including allocations for hospitals, correctional institutions and employment security, New Jersey again ranks low, spending \$37.17 per capita, whereas the median is \$62.69 and the average is \$54.15.<sup>23</sup>



The low ranking reflects the tax base in this state. In 1966, the per capita total general revenue for the state was \$147.06, well below the median of \$249.55, making New Jersey the lowest-ranking state in the Union.<sup>24</sup>

If revenues collected by local governments are included, the per capita total revenue in New Jersey is higher. As shown in Table 3, in 1965-66 it was \$383, still below the median of \$427. On the other hand, the per capita property tax was \$186, or the third highest in the country.

**TABLE 3**  
**Per Capita Amounts of Selected Revenue Items--**  
**Combined State and Local Government Finances:**  
**1965 - 1966**

	Total Revenue	From Federal Government	Property Taxes	Other Taxes
U. S. Average .....	423.96	66.98	125.96	163.74
Median State .....	427.48	76.24	121.02	154.29
Connecticut .....	421.46	53.58	161.42	154.29
Delaware .....	518.43	77.16	64.29	257.40
Massachusetts .....	444.71	60.65	189.59	145.53
NEW JERSEY .....	382.77	39.88	186.00	101.85
New York .....	528.33	45.58	166.82	243.11
Pennsylvania .....	361.13	50.00	87.77	173.05
Lowest State .....	280.27	39.88	32.99	70.25
Highest State .....	840.66	373.09	198.34	286.19

Source: Census, Governmental Finances in 1965-66, Series GF No. 13, P. 45 and P. 12.

The per capita personal income in the State in 1965 was \$3,237, well above the national average of \$2,742. Only six states (California, Connecticut, Delaware, Illinois, Nevada and New York) had a higher per capita income.<sup>25</sup> But total State revenue per \$1,000 of personal income was \$46, compared to the median of \$105 for other states, or the average of \$83. New Jersey has the lowest tax per \$1,000 of personal income.<sup>26</sup> General revenue for State and local governments from all sources is \$120 per \$1,000 of personal income, again the lowest rate in the United States, where the average is \$156, and the median state raises \$165 per \$1,000 of personal income.<sup>27</sup> This is due to the long absence of any broad-based tax.

New Jersey does not take full advantage of another potential revenue source—the Federal Government. As shown in Table 2, New Jersey, a low-budget state, receives 22.8% of its total revenues from the Federal Government. The 50 states in the aggregate receive 25.1% of their total revenues from this source. Table 3 shows per capita amounts received from the Federal Government—only \$33.59 in New Jersey, less than half the per capita amount received by the median state and less than one-tenth the amount received by the state with the highest level of Federal money. New Jersey ranks lowest among all states in per capita Federal aid. Even if Federal aid to local governments is included, it is still the lowest per capita receiver of Federal funds in the nation.<sup>28</sup>

As revenue begins to come in from the State's new sales tax, New Jersey revenues will increase, and may approach the United States average of \$424 for combined state and local revenues (Table 3). However, if the State were to raise its revenues to the average of \$156 per \$1,000 of personal income, it would have to raise about \$90 more per capita in total revenue from either State or local sources.

Finally, any increase, to be effective and meaningful, requires wise distribution to the areas where it is most needed. For example, if the extra money were returned to

the municipalities for use in education, the present school aid formula would give Newark less than a formula based merely on population size. Under the present formula, Newark receives 4.8% of total State funds whereas, on a population basis it would get 5.7%.<sup>29</sup>

## EXAMINATION OF THE PROPERTY TAX

Historically, New Jersey has operated under an antiquated tax structure that has placed the burden of paying for State and local governmental services on the property owner. As far back as 1950, the Commission on State Tax Policy severely criticized this scheme:

"Not only is there no clearly defined fiscal policy, there likewise is no basic fiscal philosophy. Ability to pay that has guided the tax policy of both the Federal Government and some of the leading industrial states has almost no place in the tax thinking or tax practices of New Jersey."<sup>30</sup>

By placing the bulk of the financial burden of governmental services on the ownership of property, and by placing the responsibility for collection of revenues on local governments, New Jersey has allowed extreme inequities to develop between the resource-poor cities and the affluent communities of the State. It is easy for owners of property to escape to nearby localities where taxes are lower. For example, although New Jersey

TABLE 4  
Selected Cities in New Jersey,  
Tax Base and School Expenditures:  
1965 - 1966

City	1966 Estimated Population	Per Capita Tax Base (equalized assessed valuation rounded)	Per Capita Tax Levy	Per Pupil Educational Expenditures
Newark	397,650	4,800	229.85	521.03
Englewood	27,000	8,800	261.16	792.31
Plainfield	49,150	5,200	202.63	576.66
Absecon	5,370	5,000	162.10	372.14
Franklin Lakes	5,620	11,400	441.14	545.23*
Harding	3,210	13,700	286.88	820.28
Livingston	27,930	8,400	349.98	557.35
Montclair	44,250	5,300	275.28	709.87
Millburn	21,150	13,300	400.38	751.01
New Brunswick	43,720	5,500	173.56	595.68
Paramus	26,660	11,700	318.72	614.25
Red Bank	14,020	5,800	214.16	655.90
Ridgewood	26,570	9,300	326.25	708.38
Springfield	16,210	8,900	287.00	673.89*
South Hackensack	2,280	22,300	445.70	706.52
Teterboro	20	2,588,500	14,897.00	1,756.00
Woodbridge	99,090	6,500	149.16	451.07

\* Costs of grades maintained by local districts only. High school costs are \$822.26 per pupil in Franklin Lakes; \$713.68 per pupil in Springfield.

Source: New Jersey Taxpayers Association, Financial Statistics of New Jersey Local Governments (1967); State of New Jersey Department of Local Finance, Twenty-Ninth Annual Report of the Division of Local Finance (1966).



is third highest in property taxes in the country, there are areas in New Jersey with very low rates. Teterboro is an extreme example, but it helps to illustrate the point. It has been referred to as "the most favorable tax location for business" in a large circle around New York City.<sup>31</sup> The costs of governmental services in Teterboro are minimal. There are 20 people, living in eight homes, and there is only one school-age child.<sup>32</sup> Yet, Teterboro has a per capita total tax base 20,000 times what it is in Newark. In less extreme degrees, this sort of inequity exists throughout the State. Table 4 shows a much lower per capita tax base and correspondingly lower per pupil school expenditures in Newark than in the surrounding smaller municipalities of Millburn and Montclair. It also shows that per pupil expenditures throughout the state range from under \$400 to over \$800, depending on the locality.

The State Tax Policy Commission has concluded that property taxes are a major deterrent to economic development in important areas of the state, because they impose a heavy fixed charge on capital investment.

The heavy reliance on property taxes to fund most governmental services in New Jersey probably results in the most regressive tax system in the country. The Tax Policy Commission found that, prior to the institution of the sales tax, a hypothetical home owner in New Jersey, with a \$5,000 annual income, paid a higher total tax than his counterpart in the high-tax states of Pennsylvania and New York.<sup>33</sup>

Many owners of slum properties say that the tax structure discourages rehabilitation of properties. They fear that they will not be able to afford the higher taxes if they make improvements the properties so desperately need.<sup>34</sup> (A detailed discussion of this problem will be found in the Housing chapter of this report.) Although the average ratio of assessed value of property to actual sales value has been about the same for well-kept and poorly-kept rental properties in Newark, the increase in gross income is not likely to keep up with the increase in taxes. Dr. George Sternlieb of Rutgers the State University, concludes that the present tax structure "tends to impose a higher tax rate as a percentage of gross income on a well-maintained parcel versus poorly-maintained ones."<sup>35</sup>

Finally, the affluent and middle classes who have left the city often point to high property taxes as their chief reason for movings.<sup>36</sup> As these people have departed, they have left behind a city of the poor.

## **FEDERAL AID**

A wide spectrum of Federal programs is available for relief in urban areas. In relation to its size, Newark has received more than its share of the total Federal outlay in aid to families with dependent children, FHA below market interest rate housing, urban mass transportation, urban renewal, manpower development and training and antipoverty programs. On the other hand, the City thus far has not fully benefited from the Department of Agriculture's programs—commodity distribution, the national school lunch program and the food stamp program. The first two programs are used to some degree; the third has not yet been considered.<sup>37</sup> Nor has the City received much from the Department of Commerce for public works and economic development, although Newark is an economic development area, and expects to receive special assistance in planning and implementing long-range economic development programs.<sup>38</sup>

## **THE IMMEDIATE FUTURE**

The foregoing discussion demonstrates that most existing public revenue sources have been used more or less to their full capacity. It points up that present efforts are woefully short of need. Where then, are the required financial resources to come from? The City has reached its limits in revenue-raising capacity. Assuming that the State sales tax produces as much as \$40 per capita and that this is perfectly redistributed on a per

capita basis, Newark would get \$15.4 million more. If it were distributed on a per-poor-family basis, Newark, with about 6.6% of New Jersey's poor, would get \$17.5 million more. The City's proposed formula for a tax rebate, which also takes into account the commuter population of the city by day, would produce \$17 million.<sup>39</sup> Even if the state doubled its potential new revenue source, the amount will not produce for Newark anywhere near what it needs for a program that might have a measurable effect on its problems.

Certain programs, particularly school operations and construction, might logically be financed almost completely by State revenues. The State has already acquired some expertise, through the aid program, in financing education expenses, and the State imposes the standards that govern construction.



In the light of the projected need, Federal efforts at present are minimal. Nor should it be assumed that the Federal Government, for a variety of reasons, is going to produce the amount needed to put Newark's poor on a self-sustaining basis.

Even if the war in Vietnam were to come to a close and the resources redirected to the cities, this would not be enough. At the beginning of 1967, President Johnson estimated that Vietnam costs the nation \$20 billion annually in excess of the cost of the regular defense budget. There are over 12 million poor families in the country—families with incomes of less than \$3,000 annually. If all the money absorbed by the Vietnam effort would be shifted to the war against poverty, and the dollars could be perfectly redistributed to areas in relationship to the number of poor, this would yield about \$28 million for Newark. Were the National Aeronautics and Space Administration to be abolished and its \$5 billion redistributed on a per-poor-family basis, this would bring about \$7 million into Newark.<sup>40</sup>

Of course, perfect reallocation is a mythical concept. In any case, given prevailing national attitudes and political realities, Washington is not likely to assume full responsibility for urban ills.

## THE PRIVATE SECTOR

Even assuming a well-co-ordinated and massive effort in the public sector, it is unlikely that the projected need of about a quarter of a billion dollars will be met by government. The private sector must become fully involved in the task.

The private sector in Newark has already begun to respond. For example, the business community, through the Business and Industrial Co-ordinating Council, started a job-training program at the beginning of 1967. The program known as SEED (Skill Escalation and Employment Development), with a relatively small budget of \$1 million—about one-fourth of which was raised from business and labor—has graduated 800 persons and has had 2,000 enrollees.<sup>41</sup> The Committee of Concern is another relatively new privately sponsored organization that is attempting to mobilize the private sector.

Many Newark citizens are hopeful that the business community will support a redevelopment effort large enough to have some significance.

Finally, the largest untapped segment of the private community is still the poor themselves. In Newark, much remains to be done to involve the poor and provide programs that enable them to develop their own business.

The results of the Commission-sponsored opinion survey back this up. Loans to help Negroes start their own businesses ranked second on a scale of 15 items that Negro respondents were asked to rate in order of importance. Small business can be a major factor in the development of economic and social strength in black and Spanish-speaking communities.

New steps are also needed to ease the availability of insurance to businesses in the ghetto, where rates are all too often prohibitive. This Commission looks to the implementation of the recently published proposals of the insurance panel of the National Commission on Civil Disorder to meet this requirement of small businessmen in Negro and Puerto Rican areas who are trying to succeed against great odds.

# Housing

If there is anything of which Newark officials are proud, it is their record in Federal housing and urban renewal programs. The city was among the first to receive public housing assistance after that program began in 1937. Newark now has the largest per capita public housing program in the country. It was among the first to apply for urban renewal funds in 1949. It has received \$325 million in Federal housing aid and urban renewal.<sup>1</sup> It is fifth in the nation in the amount it has received for urban renewal. Recently its Model Cities Application was approved in Washington, and the city was chosen as one of 63 recipients of planning funds.

In testimony before this Commission, Louis Danzig, executive director of the Newark Housing Authority, the public housing and urban renewal agency, said:

"Housing conditions in Newark are now better than they have been in our time. The greatest improvement has been made in recent years by means of urban renewal and the public housing program."<sup>2</sup>

He cited the construction of 18,016 new dwelling units since 1950, 9,752 of them low-rent public housing. In the same period, he said 7,415 dwellings have been demolished. He noted a reduction of some 3,600 units in dilapidated condition between the 1950 and the 1960 censuses, and the sharp reduction during the same period in dwellings that lack plumbing facilities and hot water.<sup>3</sup>

Yet, Negroes cited "bad housing conditions" most often when they were asked to choose among 15 possible underlying causes of the 1967 disorders. Data from the Commission-sponsored opinion survey show that 54% of the Negroes asked said that housing problems had "a great deal to do" with the riot, topping unemployment (53%), lack of equal job opportunities (52%), "broken promises by city officials" (52%), police brutality (49%) and unresponsiveness of the City Administration to Negro wishes (46%).

A related issue—overcrowding in Negro areas—was seen by 49% of the Negro respondents as having had a great deal to do with causing the riots. Asked to list what they considered Newark's most serious problems, 37% of the Negroes mentioned housing. It was topped only by high living costs (44%). On the other hand, Newark whites cited taxes as their most serious problem (56%), and only 18% mentioned housing. Among whites outside Newark, housing was selected by only 8%.

It seems paradoxical that so many housing successes could be tallied on paper and in bank ledgers, with so little impact on those the programs were meant to serve.

The paradox stems from a widespread overemphasis on clollars sought, money appropriated and allocated units built. Quantitative assessments have been the measure of success. In the scramble for money, the poor, who were to be the chief beneficiaries of the programs, tended to be overlooked. For many years, the major share of the benefits of housing programs has gone to middle and moderate income people. This is still the pattern in Congress, where at the end of the last session the housing interests of poor people—in the form of rent supplements and leased housing—again got short shrift.<sup>4</sup>

The effect of these policies and practices in Newark is reflected in some figures in its Model Cities Application: It describes over 40,000 of the city's 136,600 housing units as substandard or dilapidated.<sup>5</sup> Thus, almost a third of the city's total supply of homes is bad, and it is poor people, mostly Negroes and Spanish-speaking people, who live there.

Housing experts and planners tend to focus on dwelling units and tracts of land rather than people, because buildings and geographical delineations are more manageable statistically. Program results are easier to see and measure. Neighborhoods and physical plants are less expensive to rehabilitate than people, even with today's high construction costs.

## PUBLIC HOUSING

There are vast differences in the public housing projects of Newark. In part, these are due to changes in architecture and construction methods during the quarter century in which the Newark Housing Authority has been operating.

But more important, the character and quality of public housing in Newark, as in other cities, reflects a radical shift in population and limitations of economics and space.

High-rise projects have been clustered into a small area in the Central Ward. Mr. Danzig testified:

"We were compelled under restrictions to build high rise. Cost limitations, slum clearance, equivalent elimination, increased market supply, and we also had a pressure on us to house large families."<sup>6</sup>

He said the NHA had built apartments of medium height, such as those in Kretchmer and Walsh, when land was less scarce.<sup>7</sup> But, given population projections and a total city area of only 23 square miles, the only way to build was up.

As a consequence, some 18,000 people are now crowded into an area with a radius of about a mile and a half.<sup>8</sup> There is little grass or open space around the project grounds. There are no lavatory facilities on first floors or near playgrounds. It is virtually impossible in densely populated vertical silos for parents to supervise their youngsters, for maintenance workers to keep up with their chores, or for policemen to do their job adequately.<sup>9</sup>

Another factor that contributes to discomfort and tension is the intense summer heat, unrelieved by air-conditioning. With this in mind, public housing authorities should do everything possible to enable tenants to install their own air-conditioning units.

With so many people crammed together in a tight space, a minor incident can quickly build into a major disturbance. The Fourth Precinct, where the Newark disorders broke out, is across from Hayes Homes. Although it would be presumptuous to attribute the outbreak to the proximity of this towering project, there can be little doubt that the occurrence of the Smith incident within eyesight of scores of apartments crowded with people was an aggravating circumstance.

Mr. Danzig said:

"High rise is probably the worst housing that you can build for large families, and creates an abrasiveness because of the regulations under which they were built, inadequate elevator shafts and the like."<sup>10</sup>

He said he would not build any more high-rise projects for large families.<sup>11</sup>

The NHA management prefers to maintain a reputation for fiscal responsibility. "Breaking even" is a major consideration in tenant placement.<sup>12</sup> This consideration explains why over-income families are allowed to remain in their apartments—a sizable proportion in some of the more desirable projects. In Bradley Court, for example, 22.6% of the families earn more than Federal standards allow. Turnover in Bradley Court, a low-rise project in the Vailsburg Section near the East Orange border, is 7.6%. A stark contrast; in appearance as well as tenant composition, is the newest project, Scudder Homes, situated in the Central Ward. It consists of seven 13-story buildings and one 11-story structure, and it has a turnover rate of 12.9%. Only 4.6% of the families there are over-income.

Mr. Danzig stressed the financial pressure he feels when he said:

"All the money we have is from poor families. If we select only the ones with the greatest need, we're bankrupt."<sup>13</sup>

The presence of many over-income families in the projects is hard to justify in view of the lengthy waiting list of low-income people. About 4,400 families are now on the waiting list.<sup>14</sup> These people will have to take a back seat while other families get priority—





those dislocated by urban renewal or highway construction, victims of fire, people dislodged by code enforcement, disabled veterans and veterans.

Another practice that gives rise to resentment on the part of some of the neediest people is one that bars foster mothers from the projects. Unwed mothers also suffer from this kind of exclusion. Furthermore, if a child is born out of wedlock while a woman lives in a project, she is subject to summary eviction. Consequently, some of the children most in need are deprived, through no fault of their own, of homes in publicly financed housing. This practice cannot be condoned and should be discontinued.

The older, low-rise developments generally have more white residents than the newer projects. Most high-rise buildings are in the ghetto and house a high proportion of nonwhites.<sup>15</sup> This situation prevails even though there is no evidence of a policy of discrimination on the part of NHA.

## THE PRIVATE SECTOR

Home ownership for the poor and improved maintenance of present housing for poor people by private landlords are high priority needs. Both merit effective public and private support.

The value of home ownership in promoting dignity and pride is indisputable. Many families, including the financially deprived, desire to own a home of their own. Home ownership adds to personal and community pride and gives the owner a stake in the society.

There are several ways to reduce the cost of home ownership for the poor:

- Reducing the cost of land through urban renewal or selling land at reduced prices after it has been acquired through tax receivership;
- Developing and utilizing a technology for reducing costs of materials and assembly;
- Reducing the cost of financing, insurance and other carrying charges;
- Allowing for the contribution of labor ("sweat equity") as part of the down payment.

The problems of better maintenance and improvement of existing housing for the poor are seriously aggravated in Newark.

The City's property taxes have been rising astronomically. The suburbanite who complains about the rising cost of living should consider the position of a homeowner in Newark. If the Newarker's house is worth \$20,000, he must pay \$1,536 in property taxes. The same value in South Orange would draw \$832 annually and in Irvington \$825. It is not surprising that middle-class people, including Negroes, who have a choice of where to live, leave Newark.

The high tax rates also affect apartment house owners. These landlords, whether they reside in their own apartment house, elsewhere in the city or outside the city, frequently pass the burden along to tenants. Poor people facing a tight housing market such as Newark's, and poor Negroes who face a tighter housing market than whites, cannot choose to live where it is most economical. They are often forced to pay excessive rents for inadequate facilities. 16

Although the basic solution to this housing crisis must be sought in vastly increased public and private investments in new construction, there is an urgent need to find some interim approaches to relieve the pressure. Rehabilitation to make rundown buildings serviceable on a permanent basis also is not the whole answer. Architects and builders agree that such top-to-bottom rehabilitation, especially in Newark, where two thirds of the dwelling units are frame-built,<sup>17</sup> is uneconomical.

The question is, what can be done about several thousand buildings in extremely poor condition that now house tens of thousands of people and that are likely to remain standing for another five to 10 years.

As matters stand, nothing is likely to be done. In a sense, they are the stepchildren of housing programs. Neither government agencies nor private owners want to bother with them. Local government in old cities like Newark, Paterson, Hoboken, or Jersey City, consider them beyond the reach of their devices, because their principal weapon, code enforcement, is ineffective. Standards are unrealistic, the staff is inadequate and penalties are too mild to force compliance. On the other hand, if there were strict enforcement, costs would shoot up and before long would exceed profit margins. As a result, landlords are more likely to abandon these buildings than to invest in improvements.

The conventional wisdom about tenement landlords is that only the threat of criminal sanctions or a large subsidy could induce them to put money into their buildings. But there may be an untapped financial incentive for landlords to make capital improvements in their aging buildings: the possibility of increasing rental income by filling chronic vacancies.

According to a sampling estimate by Rutgers the State University, there are about 4,700 vacant housing units in Newark's central core—the 25 inner city census tracts. About half of these, or 2,350, may be considered available for rental, although two-thirds of them are in poor condition.<sup>18</sup> If the owners of these buildings were to receive an average monthly rental of \$100 a unit from these now-vacant units, and if the marginal cost of renting them (maintenance and utilities) were \$25 to \$35 per month, the owners would

have an annual surplus of about \$800. 19 Part of this sum could be spent on improvements and a higher level of upkeep, and there would still be some left as extra income for the landlord.

In prevailing conditions, however, owners are not likely to respond to the economic pressure from such vacant units. With little equity in their buildings, they find it difficult to finance even small capital improvements. They are often unaware of Federal or State programs that would make financing easier to obtain. They are discouraged by the belief that reassessment would raise taxes, which are already astronomical. They have become cynical about slum tenants after a few experiences with newly painted walls that have been defaced or new windows that have been repeatedly broken. They calculate that the declining neighborhood is not worth the investment.

But there are countervailing factors. Landlords are sensitive to the conditions of buildings surrounding their own. If they became aware that owners of nearby buildings were improving maintenance or making capital investments, they would be more likely to regard this as a feasible strategy for themselves. Improvement on one block might spill over onto the next.

As to reassessment fears, many of Newark's tenement landlords indicate that they would make improvements in their buildings but for their concern on this score. The problem with any program to eliminate this reassessment deterrent is that it might threaten to erode the property tax base and thereby force a rise in a tax rate already extremely high. But how productive of revenue is Newark's current policy of reassessing for improvement in old residential buildings? There is very little rehabilitation investment in older buildings to begin with, and some capital improvements—particularly if they are inside a building—never come to the assessor's attention. In fact, many of the improvements that landlords hesitate to make for fear of reassessment are not even assessable under current policy.<sup>20</sup>

A system that raises assessments whenever a capital improvement is made but fails to recognize the steady depreciation of older buildings is discriminatory against these older buildings. In a city like Newark, where over 80% of the housing was built before 1929,<sup>21</sup> this does not make sense. In the first decade after World War II, soaring land prices caused the market value of old buildings to rise despite their deterioration. Today, however, the real estate market in slums is much less buoyant, and old buildings lose value every year. One expert estimated that in structures that survive 50 years or longer, approximately 90% of the depreciation occurs after the 20th year.<sup>22</sup> An assessment policy that would take into account depreciation and encourage capital improvements in tenements would be more equitable to property owners and produce more decent homes for people.

Assuming the filling of chronic vacancies through improvement of his property can be made attractive to the landlord and his reassessment fears allayed, the next question is how the landlord can be assured of steady occupancy. If an improvement program were undertaken, this task could logically be handled by the Newark Housing Authority.<sup>23</sup>

As relocation agent for the City, NHA could guarantee to fill the vacant unit with a family of the appropriate size from its waiting list or from among the thousands of families scheduled to be displaced by urban renewal and highway projects.

The program would benefit low-income people qualified for public housing as well as others who would be displaced.

Cooperation of tenants in helping to keep improved property intact and in preventing vandalism could be made an integral part of the improvement program.

The NHA would use its bargaining power as a "real estate agent" for thousands of relocation families. Leasing agreements with landlords would clearly specify the capital improvements or stepped-up services to be provided. City inspectors would be called upon



to help enforce all agreements. Provisions would be included in the contract for a fund that the landlord could draw against only for maintenance and upkeep.

For the small landlord, whose personal credit rating and lack of equity in the building make it difficult to borrow money, the lease from the Housing Authority might have extra attractions. It could serve as security for a loan, payment on which could come out of the additional rental income.

## **URBAN RENEWAL AND CITIZEN PARTICIPATION**

Urban renewal as originally conceived did not take into account the dynamics of real estate practices. As soon as local officials begin contemplating clearance of an area, word gets around the neighborhood. Whether or not there is publicity, the arrival of inspectors, surveyors and appraisers starts speculation. Neither landlords nor tenants want to spend money on improvements when they believe, accurately or not, that the area will be razed.<sup>24</sup>

This psychology accelerated the decay of a city's residential neighborhoods. Often the aging buildings remain standing long after rumors have spread. But repairs are neglected, services deteriorate and some people who can find alternate housing begin to move out. People with less choice—mostly low-income Negroes and Puerto Ricans—move in. The old buildings then tend to become overcrowded with families displaced by other clearance projects. Rents stay the same or increase. Many tenants share apartments with other families so they can afford to remain. Thus, urban renewal practices have had the effect of accelerating the decay of residential neighborhoods.

A full and candid statement at the outset of precisely what the City or the renewal authority is planning and full information in subsequent stages would seem more realistic than attempts to plan without the knowledge of the people who will be vitally affected.<sup>25</sup>

On a broader level, citizen participation is designed to be a significant element in all renewal programs.

The Housing Act of 1954 provides for an annual recertification of local housing programs based on an annual progress report by the municipality "to show that it is taking effective action toward meeting its goals and objectives as established in the workable program." The workable program includes "enlistment of citizen participation in urban renewal and similar programs."<sup>26</sup> A public hearing is to be held on the planned program, but in many cities the hearings are little more than routine compliance with the law. M. Carter McFarland, Assistant Commissioner for Programs of the Federal Housing Administration, and James Banks, Director of the Office of Community Development of the Department of Housing and Urban Development, acknowledge that in general "citizens' committees" may be no more than paper organizations. 27

State law, too, requires a public hearing to be held before an area is declared blighted, and before preliminary plans are submitted to Washington. The New Jersey statute<sup>28</sup> says that the public meeting is "for the purpose of hearing persons interested in or who would be affected by a determination that the area is a blighted area . . ." Notice must be sent to "the last owner, if any, of each parcel of property within the area, according to the assessment records of the municipality, and to any and all persons . . . whose names are noted . . . as claimants of one interest in any such parcel." The statute adds that "failure to mail any such notice shall not invalidate the investigation or determination thereon."

In Newark, City Planner Aldo Giacchino and Planning Board President Alfred Booker feel that citizen participation is provided by the City Planning Board.<sup>29</sup> Six of its nine members are appointed by the Mayor to represent the citizenry. There is a strong feeling in the black community, however, that the Planning Board does not provide the kind of mechanism needed to involve ghetto residents in planning, to keep them informed about policies that affect their homes and property and to make their interests count as an essential element of the planning process. Mr. Booker is the only Negro now on the board. Even if another Negro were appointed, this would hardly provide adequate recognition of the size of Newark's Negro community or the wide range of viewpoints within it.

The Planning Board does not function as an independent body. Newark planning officials did not provide information on any specific case in which the board has rejected a proposal presented to them by the Newark Housing Authority.<sup>30</sup> The board president stated that he wished the board had the personnel and the information to do more long-range planning. He said the board had been forced several times to alter its own master plan because of prior actions by private developers or the City Government which had to be accommodated. 31

Inadequate communication among the City, the Housing Authority and the people directly concerned was also the major factor in the controversy over the projected move of the New Jersey College of Medicine and Dentistry to Newark.

The basic facts of the case—its political and health service aspects as well as the part it played in generating tensions in the community prior to the disorders—are reported and analyzed elsewhere in this report. Its relevance here is in terms of housing, and particularly of the massive relocation problem that people in the affected area saw ahead.

City officials believed that they were acting in the interest of the city as a whole in seeking to attract the college to Newark. An area of 46 acres involved drew more than \$300,000 annually in taxes—the equivalent of \$5 million ratable. The college's financial value to the city would far exceed that.<sup>32</sup> The problem arises from community fears about relocation of displaced families. Testimony before this Commission and interviews in the community indicate that many residents did not believe official reassurances on this subject. People hear that in the past families have been displaced by urban renewal and

forced to live wherever they could, and they see few vacant apartments of decent quality in which they know they can afford to live.

The statistics on the quality of vacancies support the views of the people in the area.<sup>33</sup> The FHA's Analysis of the Newark, Housing Market of May 1, 1965 said the estimated number of adequate vacant housing units available for rent or sale was 2,575, or 1.9% of the total housing supply.<sup>34</sup> Rutgers the State University's more recent and detailed study showed a total of 8,995 vacant units in the city—a 6.7% vacancy rate.<sup>35</sup> The city's reckoning at the end of November was that 5,366 units were available for rent and 109 for sale.<sup>36</sup>

The Rutgers study said that, if the total of units "in poor condition" was calculated, only 4,133 vacant units were actually available.<sup>37</sup> The study found that a substantial part of the housing outside the core area (3,223 of these 4,133 units) was too high-priced for the people who would need relocation. Data provided by Joseph P. Nevin, NHA consultant, do not show how many vacant units have heat, hot water, toilet facilities and other basic equipment. Given an admittedly inadequate inspection system,<sup>38</sup> the fact that a dwelling unit is classified "standard" is no guarantee that it is habitable.

It is against this background that the relocation fears of many people in the Negro community must be viewed. The Medical College case simply brought these fears to a head.

## STATE PROGRAMS

The State's Demonstration Grant Law of 1967 is designed to go hand in hand with the Federal Housing Administration's demonstration program, under Section 221 (d) (3), of the National Housing Act. Under the Federal program, nonprofit organizations can get financing for housing construction for moderate income families. The State program provides limited funds to launch projects awaiting Federal funding, as well as technical assistance to the sponsoring organizations. Thanks to stimulation and assistance from the State, which operates its program through the Department of Community Affairs, nonprofit sponsors in Camden, Newark, Hoboken and Trenton have moved to build such projects.

On the minus side, the State has not yet proved effective in enforcement of civil rights laws. New Jersey has the strongest law against racial discrimination in housing of any state. It covers rental and sale of any residence except an owner-occupied two-family house and a room in an owner-occupied house. Yet practice in New Jersey is essentially the same as in any other state. The assumptions that Negroes will not be allowed into certain neighborhoods, that whites will flee if Negroes come in and that the antibias laws will not be enforced guide the actions of many property owners and realtors, tenants and landlords, homeseekers and apartment-hunters, Negroes and whites. This was true in 1962, when the Legislature adopted an antidiscrimination law with stronger enforcement tools, and it is just as true today.

The inability of Negroes to leave the ghetto when they can afford to leave imposes additional pressure on overcrowded slum buildings. It adds to the resentment of the poor the disenchantment of the more fortunate.

Most cases of housing discrimination that do find their way into the Civil Rights Division are brought by fair housing groups. New Jersey's statewide Committee Against Discrimination in Housing and scores of local groups have taken the initiative in trying to persuade their State Government to enforce the law more effectively.

There have been improvements since 1963, when the division was transferred from the Education Department to the Office of the Attorney General. Some administrative reforms recommended by Prof. Alfred A. Blumrosen of Rutgers the State University, following a 1962-63 study,<sup>39</sup> were implemented. But in 1967 Prof. Arthur Frakt<sup>40</sup> still found the division grossly underfunded, understaffed and inadequately supported by

other State agencies. There was still reluctance to use all the tools provided by legislation and liberal judicial interpretations.

A landlord who has been found guilty of discriminating by an examiner at a public hearing is supposed to sign an "order of consent." Under the present provisions, a penalty can be assessed only for violating an order of the division director. However, no landlord has ever been fined for violating the open-housing law.<sup>41</sup>

## PLAINFIELD

Because housing did not appear to be a major issue in the disorders in Plainfield, the Commission did not investigate that city's housing problems. This does not mean that Plainfield's poor do not face housing problems, but only that lack of time and the need to allocate investigative resources to the most pressing issues precluded a thorough study of the subject.

## A WORD ABOUT ENGLEWOOD

Englewood's housing problem is minuscule compared with the massive housing and relocation issues that beset Newark and other large cities. Yet housing is the single most controversial issue in this Bergen County community. Though small in scope, it has stubbornly resisted solution for decades.

The problem is centered in the predominantly Negro Fourth Ward. It is not new. In 1912, a report of the Englewood Civic Association—a private social service agency—said of the housing problem:

"That Englewood is a city of many beautiful homes no one can deny, but false civic pride should not blind one's eyes to her waste places and huddled hovels."

In 1938, five churches in the Fourth Ward and the Englewood Urban League asked the City Council to seek Federal support for low-income housing construction. In January, 1967, the Department of Housing and Urban Development terminated two urban renewal applications for Englewood for which planning had been going on during a nine-year period, and for which Washington has reserved close to \$2 million.

The issue on which the debate turns is whether to build within the Fourth Ward only, or whether to spread renewal beyond the ghetto. A HUD spokesman said last fall that the Englewood applications were turned down because the plans had limited construction to the ghetto area.<sup>42</sup>

Advocates of the intra-Fourth Ward approach cite economics and zoning as their reasons. Those who want to build some low-income housing outside the Fourth Ward, which would be mostly for Negroes, say there must be integration, and that only in that way will Federal money be forthcoming.

The issue was fought on political lines last year. The then incumbent Republican administration advocated a \$2.2 million plan. A local bond issue of \$300,000 would be floated for land acquisition, while the rest would be financed by private developers through low interest mortgages expected from the Federal Housing Administration. It called for 130 garden apartments and 15 one-family homes, all to be built within the Fourth Ward.

The Democrats proposed an \$8.67 million plan, the major share of which was to be financed by Federal and State grants. It projected construction of 287 apartments and 15 one-family homes, but 132 of the 287 apartments would have been located on a site in the predominantly white Second Ward.

While New Jersey voters produced a Republican landslide, Englewood for the first time in more than 60 years elected the Democrats—though by a thin margin. Negro districts cast their votes overwhelmingly for the Democrats. But there was another side to

the election story. The rival housing plans also were on the ballot for a nonbinding referendum. And here, the Republican-supported plan won handily.

Thus, the issue remains clouded, and Englewood's physically small problem continues to loom large. It remains unresolved in the face of a sharply divided community.

### **BASIC POLICY ISSUES**

One conclusion that emerges from investigating housing conditions of the poor, especially in a large and aging city like Newark, is that the problem must be approached in a metropolitan context. The causes are not rooted in the city alone, and it is unrealistic to expect the city to cope with them.

Some urban experts classify optional solutions to the urban housing problem in terms of "dispersal" and "ghetto enrichment." The advocates of "dispersal" accurately point out that the problem can be solved only in the framework of relocating ghetto residents in the larger metropolitan area, including suburbs and neighborhoods that are now populated almost exclusively by whites. The advocates of "ghetto enrichment", who include many militant and articulate Negro leaders, believe that development of human and physical resources in the central city, and the lodging of political and economic power in the population of the city cores, are the most effective ways to fight poverty.

The Commission sees merit in the arguments of both sides, and it does not see a contradiction. There is no question that effective, urgent action *in* the ghetto must be taken on the whole broad front of human and physical renewal. For without such action, we would be condemning large numbers of Americans to a continuation of the conditions that lead people to despair.

Furthermore, we believe that only by giving ghetto populations the opportunity to develop their skills and to make their neighborhoods decent places to live in can we begin to move meaningfully toward an integrated society. It is through social and physical renewal in the inner city that options become available to its inhabitants. And it is the reconstruction of the inner city, both physically and culturally, that may make urban





**living** attractive again at least to some of those who have fled to the suburbs. The options, **then**, open up in both directions.

As development proceeds in the city cores, planning must go ahead in the metropolitan context for a more deliberate approach to integrated housing throughout the area. This may have to include incentives to the present suburban populations to make them more amenable to integrated patterns of living.<sup>43</sup>

Because this is a problem transcending city boundaries—indeed it is a predicament of national scope—the State Government is more equipped than any one municipality to grapple with it.

# Employment

Since 1960 more than 60,000 whites have left Newark, and about an equal number of Negroes and Spanish-speaking people have moved to the city. The present population is 402,000, down 1,500 from 1950.

There are some indications that the peak of Negro immigration has passed.<sup>1</sup> However, the pace of migration may be maintained, with the bulk of new residents coming from Puerto Rico and other Caribbean areas.

In seeking jobs, the Negro carries with him a severe educational disadvantage.<sup>2</sup> At a time when many firms consider a high school diploma a prerequisite for employment, 65.1% of men in Newark above 25 years of age, have not completed 12 years of school. This is demonstrated in Table 1.

TABLE 1  
Highest grade completed for Newark residents 25 years and older:

	White Males	Negro Males
Less than 8 years .....	15.0%	22.2%
8 years .....	17.6	12.4
9-11 years .....	17.6	30.5
12 years .....	28.0	27.6
Some College .....	5.0	4.5
College graduate or more .....	16.8	2.8
	100.0	100.0

Source: Newark, New Jersey; Population and Labor Force, Spring 1967—P. 9.

How closely schooling is linked to jobs is evident from the following: Among Negro males, for example, the proportion with no more than eighth-grade education are, respectively, 30%, 38% and 45% for employed, unemployed, and those not in the labor force. 3

Unless employers give greater weight to work performance and less to educational credentials, and unless the schools make efforts to do better by the ghetto people, this population will continue on the fringes of the labor force.

When inadequate education is coupled with lack of work experience and training, and overt or built-in discrimination, the picture becomes even bleaker for the nonwhite.

Although the Newark labor market has a total unemployment rate hovering around 4.3%, the Negroes in the city suffer an unemployment rate of 11.5%, twice as high as among whites (5.9%).

A breakdown of the employment figures provides some significant information for future policy:

TABLE 2  
Unemployment Rate Among Males in Newark, Spring 1967

Age	Whites	Negroes
16 - 19 .....	25.7%	37.8%
20 - 24 .....	6.8	6.5
25 - 54 .....	2.8	6.9
55 - 64 .....	5.1	7.1

Source: Newark, New Jersey; Population and Labor Force, P. 13.

Among 16-to-19 year-old Negro men, more than a third—37.8%—are jobless. Considering that more than 40% of Newark's Negroes are under the age of 15, an even more serious crisis lies ahead. 4

In addition to the educational gap, the Negro is faced with the fact that most jobs are distant from his home. Jobs, especially the white-collar variety, are held primarily by

white commuters while the Negro population must look to the suburbs and beyond for employment. While 38.3% of Newark's white males work outside the city limits, 49.7% of Newark's Negro males travel to the environs to find work. The figures for women are 21.8% and 52.8% respectively. The job sites for Negroes are increasingly outside the central city. But the economics of housing and prejudice in the suburbs make it difficult for the Negro to move near his job.<sup>5</sup>

Furthermore, a great many Newark Negroes lack the experience and training necessary to step into white-collar and craft jobs. Only 17.9% of Negro males hold white-collar jobs while 70% have blue-collar positions. The figures for white males are 43.4% and 46.1% respectively. <sup>6</sup>

The employment problems of Newark's Negro population will not be solved by time or by spontaneous economic forces. On the contrary, time and economics are working against a solution for four reasons:

- The Negro population is getting younger, and the difficult 16-21 age group will be proportionately larger.
- Blue-collar jobs are becoming progressively fewer.
- Blue-collar jobs are moving from the city.
- The schools are not preparing Negro youth adequately for employment in the growing sectors of the city's economy.

All this adds up to a critical situation that makes Negroes feel that job discrimination continues unabated.

Data from the Commission-sponsored opinion survey show that 77% of the Negroes asked think that they have less opportunity for jobs and promotions than whites, and only



12% think they are treated the same as whites. On the other hand, most whites do not recognize any difference in treatment. Of the whites in Newark who were asked, almost two-thirds—65%—thought Negroes were treated the same as whites in employment, and only 15% agreed with the 77% majority of Negroes that there is discrimination.

Negroes and whites did agree, however, that job-training programs must have high priority. Job training had third and fourth place, respectively, among 15 items that Negroes and whites were asked to list in order of importance.

## **PRESENT EFFORTS**

Forty-three programs sponsored by public and private agencies now deal with job training and related efforts in Newark.<sup>7</sup> These 43 agencies are trying to deal with short-term solutions to immediate problems. They provide three types of service:

- Information and referral;
- Training;
- Broadening job opportunities.

## **INFORMATION AND REFERRAL**

Business often hires people through informal contacts and arrangements. This kind of recruiting tends to perpetuate current employment patterns, since employes tend to recommend people like themselves. Negroes are at an obvious disadvantage under this traditional hiring practice.

The established public agency for job referral is the New Jersey State Employment Service. It dates back to the days of the New Deal. Its historic function has been to reduce unemployment by operating a referral system to place people in jobs for which they are qualified. It is designed to make sure that people who get unemployment compensation are looking for work. To some extent, its success is measured by the number of its referrals. This encourages the referral of some unqualified people to employers. The agency has a testing program and does job counseling. Its service is geared more to the traditional job seeker than to the ghetto resident, whose history of job seeking more often than not is one of rejection.

A privately supported Skills Bank, operated by the Business and Industrial Coordinating Council (BICC) and the Urban League of Essex County, supplements the Employment Service. During the first four months of 1967, 29 companies placed 1,438 job orders with the Skills Bank, which made 674 referrals and placed 152 in jobs.<sup>8</sup> At that time, in the spring of 1967, there were 14,500 unemployed persons in Newark, of whom 8,900 were Negroes.<sup>9</sup> This figure, placed next to the Skills Bank's record, shows the vast job that remains to be done.

Many training programs and social agencies use their own devices for placing their clients in jobs. As a result, job referral is not coordinated.

## **TRAINING**

Training programs must respond to the special needs of their clients. Before a training organization can even get down to the skill training that many people think is the beginning and end of such programs, a series of job-related problems must be faced.

Here are just a few examples to illustrate the point:

A large proportion of the trainees in most of the out-of-school prevocational or manpower training programs are either high school dropouts or suffer from serious educational deficiencies that prevent them from fully absorbing training.

- Many trainees are in need of remedial medical attention. The incidence of respiratory elements, poor eye sight and dental problems is high.<sup>10</sup> Hoplessness generated by prior experience also contributes to the difficulty of getting people into training programs. It is possible that some "overselling" of the training programs has been done—with disappointment at the end when there was no job for the trainee. One of the most important elements in the business of recruitment and training is the availability of a job at the end of the training process, and training agencies' ability to deliver on promises they make.<sup>11</sup>
- Many people have complicated family situations that make the care of children a bar to participation either in regular employment or in training programs. There is a vast unmet need for day-care centers.

To deal with these and many other job-related problems beyond the training itself, programs in remedial education, psychological counseling, basic health services and day-care are available to participants in some of the training programs. These corollary services are also provided by other social service agencies in the city, and, once again, there is a problem of uncoordinated efforts.

In 1966, \$7 million in Federal funds alone were spent on employment training programs in Newark. Training almost seems to have become an end in itself, but it serves no purpose at all if the trainees are not placed in permanent jobs. The various governmentally sponsored training programs in Newark claim to have made some 1,500 placements in 1966. Unfortunately, it is difficult to establish how long people placed in these jobs stayed at work, or how good the jobs were.

One of the largest training programs is the Newark Manpower Training Skills Center operated by the State Department of Education, under the Federal Manpower Development and Training Act (MDTA). It works in conjunction with the Division of Employment Security of the State Employment Service. It provides remedial education and training in about 30 ~~skilled~~ and semiskilled occupations.<sup>12</sup> The placement of those who are trained by this program is the province of the Employment Service, but it appears that placement is also being handled informally by contacts of the teaching staff with employers.

There are also vocational training operations, such as the Blazer Work Training Program and various on-the-job training programs. Prevocational training is given to young people in four separate Neighborhood Youth Corps agencies, in which they get work experience and learn work discipline.

In August, 1967, the Federal Government, the City of Newark, the United Community Corporation and the Business and Industrial Coordinating Council began a new effort at coordinating the sundry activities that make up a complete employment program. The new effort is called Total Employment Aid Manpower (TEAM). The initial Federal grant amounts to \$4.3 million.

TEAM involves participation of an array of agencies with assigned roles:

United Community Corporation (Recruitment of trainees, day care)

City of Newark (Remedial education in the public schools, opening jobs in city government)

Urban League (Orientation, assistance in job seeking)

New Jersey Employment Service (Testing, counseling, placement)

Business and Industry Coordinating Council (Locating jobs in the private sector)

Blazer Work Training Program (Work experience)

COPE, a Neighborhood Youth Corps agency (Work experience)

The actual training will be performed under contract by several other public and private training agencies.<sup>13</sup>

The above listing of training agencies is far from exhaustive, and the description does not do justice to Newark's training and referral thicket. The Newark situation may be more complex than those in cities of comparable unemployment or underemployment problems. But it is also a reflection of Newark's skill at "grantmanship"—the ability to tap a variety of funding sources, and of the joint interest of sources and users in preserving the identity of each agency.

As things stand, Federal policies foster this kind of uncoordinated programming by presenting to the fund seeker a variety of sources to which he can apply. The Office of Economic Opportunity, the Department of Labor, and the Department of Health, Education and Welfare are just three of the major hunting grounds, with each funding a variety of programs.\*

The most important step in successful grantmanship remains to be taken, however. It is for the cities to mesh their total effort in behalf of citywide objectives. Individual agencies might well retain their identity under such a structure, so long as such identity serves to sharpen performance through competition and does not add to the kind of proliferation that now baffles both job seekers and employers.

Prospectively, TEAM can accomplish the difficult task of coordination of training. But even if it does, a more basic problem remains: the difficulty of matching people from the ghettos, even after they have been trained, with jobs.

## **BROADENING JOB OPPORTUNITIES**

The problem of placement must be attacked from the side of the potential employe, through counseling, training and related services, as well as from the side of the employer. What is necessary is imaginative restructuring of jobs, job descriptions and career opportunities to open the door to people who cannot meet standards established a long time ago for a very different labor supply.

## **BUSINESS AND INDUSTRY**

This kind of restructuring is imperative if Newark is to reduce the glaring discrepancies in its white collar-blue collar employment pattern. An example of special relevance to Newark is that only 2.6% of the Negroes who live and work in the city have found work in some of the city's leading economic sectors—insurance, banking and real estate. But almost 10% of the whites who live and work in Newark are employed in these businesses.<sup>14</sup>

The belief that any change in employment standards will place an economic burden on the enterprise can be countered with the argument that the enterprise is artificially restricting its labor market and is not making available to itself manpower resources that could be profitably used.

The Business and Industrial Coordinating Council has made some progress in the referral, recruitment and training of blacks and Puerto Ricans. These efforts are directed at the employment of minority people by helping them meet employment standards that are only slightly altered. BICC has to contend with a credibility gap among its potential clients. Many of them are not convinced that the business community is willing to hire them. William Mercer, coordinator of BICC, testified before the Commission on this problem:

• "The activities of our multitudinous government are frequently overlapping, occasionally conflicting, and in many ways add to the harassment of the taxpayer and the burden he must bear. National-State tax and fiscal policies, including grant-in-aid programs, should be designed to encourage and promote a reduction in the number of governments and an increase in cooperation among the remainder. Some grants-in-aid, however, tend to subsidize and keep alive inadequate and relatively costly governments that should be consolidated, merged, or in some instances eliminated. If we accept the thesis that a principal use of the grant-in-aid is to stimulate State and local activity, then its use to promote a more effective pattern of local government is surely indicated." (See Report of the Commission on Intergovernmental Relations, 1955, page 92.)



"One of the biggest problems is the whole business of believability and concern. It has to be exhibited on the part of the business community before we can do our job much better than we are doing it."<sup>15</sup>

In addition, the Federal Equal Employment Opportunity Commission (EEOC) has encouraged top management in efforts to include more minority people. The influence of EEOC has been greater among larger firms.

## THE PUBLIC SECTOR

The governmental service, be it municipal, State, or Federal, has a large number of jobs that do not demand extensive training. The objective of Civil Service staffing has been to provide competent personnel for governmental functions and to demonstrate that people were not hired by favoritism, or party affiliation. The best qualified applicant was supposed to get the job.

Often, the criteria that went into a job description far exceeded the requirements of the job. In less prosperous days, when jobs were scarce and qualified people abundant, this made sense.

In the present economy, such job descriptions no longer fit. Today, supervisors are not interested in overqualified talent. They want the man or woman who can do the job. As a result, job descriptions are being revised throughout the public service. The requirement for a high school diploma, for instance, is being re-examined for a number of job classifications, and special training programs have been introduced to get young people up to the minimum requirements for appointment.

This process has merely begun, and the need is steadily growing. Para-professionals are becoming an increasingly important element in public institutions. Nurses aides in hospitals, teacher aides in the schools, clerical assistants in offices throughout government have proved of considerable value and are releasing scarce professional talent from routine assignments for work that only the professionals can do.

## UNIONS

Out of 1,787 apprentices registered in late 1967 with the Bureau of Apprenticeship and Training in Essex County, only 150 were Negroes. 16 This may represent an improvement over past years, but many unions have not taken more than token action to admit Negroes into their ranks.

Construction is an expanding source of high-paying jobs within the city. A good deal of the construction is financed by government. Many of the projects are located in Negro neighborhoods and are supposed to benefit the black community. Many of them are controversial, and the prospect of all-white construction crews only adds to the controversy.

Some progress in the last few years can be attributed to more stringent Federal laws, the use of court orders halting construction projects and supervision of testing by the Bureau of Apprenticeship and Training (BAT). Some tentative steps have been taken to assure the fairness of testing procedures. An Apprenticeship Information Center (AIC) now provides prospective apprentices with the particulars about various programs and administers the qualifying tests. In some cases, unions have allowed the State Employment Service to design tests for selecting apprentices. However, the number of unions using the center and actively seeking minority group applicants has been small.

Joel Jacobson, president of the New Jersey Industrial Union Council of the AFL-CIO, told the Commission:

"There are denials of opportunities to Negroes in the building trades because of the prejudices of certain individuals. This is a fact. The problem is a combination of prejudice, past practices, inertia and inability to meet a problem where there is a desire to do so."<sup>17</sup>



A major problem in eliminating discrimination in unions stems from admission requirements. But even if some of the more rigid requirements are waived, the Negro remains at a disadvantage. His educational handicaps still hamper him.<sup>18</sup>

Special educational programs designed to fill gaps that unions can legitimately point to as obstacles to admission are required so that unions can be presented with qualified applicants.

This solution has short-term and long-term components. In the short run recruitment and training of Negroes to take apprenticeship tests must be tackled by a dynamic private organization. In the long run, the Newark schools must provide adequate vocational education courses and BAT and AIC must convince high school counselors of the advantages of apprenticeship and supply them with a continuing stream of information about current programs.

The first approach requires an active program of recruiting, preparing for tests and then follow-up of the accepted applicants. No agency is providing this service, as is the case in New York and other cities. The Rutgers Law School construction project illustrates this point. After a long legal controversy the Ironworkers Union, which was to work on the new building, agreed to allow BAT, AIC and the State Employment Service to administer the tests for selection of apprentices for the union. Although an active recruitment program produced more than 800 applicants (several hundred of them Negro), no training was provided and over six months went by between the time the men signed up for the test and when it was administered. The results narrowed down to a single Negro, who by late 1967 had yet to be placed on the job.

By contrast, the Workers Defense League in New York has been quite successful in recruiting, training and placing youngsters for programs in previously all-white unions. An offshoot of that effort, the Joint Apprenticeship Program, has begun work in Newark and should be encouraged as a promising effort with increased Federal funding and the support of agencies like BAT.

## **BIAS IN JOBS**

Since 1947, discrimination in employment has been prohibited by New Jersey law, and enforced by the State Division of Civil Rights. The Federal Civil Rights Act of 1964 establishes the Equal Employment Opportunity Commission and provides legal sanctions against violations of equal rights. Complaints under the Federal law are also channeled through the State Division of Civil Rights.

If the enforcement of equal opportunity laws on the State level is predicated upon individual complainants, it is bound to be weak and ineffective. Victims of discrimination are not likely to complain to civil rights agencies. If there is a complaint, the time required for its resolution, normally exceeding one month, discourages the complainant, particularly in employment cases. If the complainant gets another job or loses interest, the case is dropped.

The lack of complainants leaves the responsibility for enforcement with the Division of Civil Rights. Under the terms of a 1963 law, the division is empowered to initiate cases. This power is especially important because structural or institutional barriers to equal employment are often more important than overt discrimination. Testing procedures, recruitment practices, promotional structures and unrealistic educational requirements often form an effective barrier to the employment of nonwhites. The burden of achieving equal employment opportunity demands an aggressive civil rights agency.

However, the efficacy of the Division of Civil Rights has been questioned. A study by Prof. A. Blumrosen concludes that

"during the 1962-63 period the agency did not act as a vigorous enforcement agency. Rather, it narrowly construed its powers to act at all, devised a series of procedural steps which operated against vigorous enforcement, and comprised and settled cases at a rather high rate,

with a relatively low level of relief . . . This approach has ultimately contributed to the distrust of legal process in the Negro community . . ."<sup>19</sup>

In response to criticism of the division, responsibility for enforcement of equal opportunity laws was placed in the office of the Attorney General, who was then to direct the activities of the division. A more recent study published by the Rutgers Law Review and written by Prof. A. N. Frakt concluded that

"although the DCK (New Jersey Division on Civil Rights) has made progress in broadening its interpretation of its legislative mandate and in utilizing judicial aid in fulfilling its functions, Professor Blumrosen's other criticisms remain essentially valid."<sup>20</sup>

The greatest weakness of the division is its reliance on individual complainants. Professor Frakt adds:

"If proving discrimination in failure-to-hire cases is difficult, it is virtually impossible in failure-to-upgrade or dismissal."<sup>21</sup>

There has been some criticism of the Bureau of Apprenticeship and Training's enforcement of equal opportunity in apprenticeship programs.<sup>22</sup> Its only sanction is to de-register an apprenticeship program—too drastic a measure for effective policing of union practices. It might be best to remove this policing power from the bureau and place it with the Equal Employment Opportunity Commission, and to require closer cooperation between the two agencies.



# Public Schools

Based on testimony before the Commission and staff investigation, it is this Commission's considered judgment that Newark's public school system is an advanced state of decay.

Howard J. Ashby, president of the Newark Board of Education, testified:

"I think somewhere along the line someone has to say, 'Stop.' This is it. We are not doing a good job, professional educator or layman, and say these are the facts. Until such time as these reading levels and arithmetic levels come up, there isn't anyone who can say in the City of Newark, professional or otherwise, we are tloing a good job because these children just can't read and do arithmetic. Until they are able to accomplish that on a broad base and we have more than six out of every 100 above the national norm, I don't think we can say that we are doing a good job . . . . What I want to do is put the facts on the table without any cover-up because I think this is the time to do it . . . . I think we are going to have to call a sharp halt to all of the camouflage that has gone on for the past 10, 15 and 20 years." 1

Mr. Ashby's candor was most helpful to the Commission, as was testimony by the School Superintendent, Franklyn Titus, by pupils, principals, teachers, parents of children in the schools and other knowledgeable individuals. The picture that emerges from this study is not designed to single Newark out for indictment. Instead, the determination of many responsible citizens and professionals in Newark to face up to the city's etlucational crisis is commendable and should serve as an example to other cities and communities that confront similar problems.

This Commission believes that the policy of integrated schools must be pursued and carried out as rapidly and imaginatively as possible; for the ills of the ghetto will not be permanently cured until the people of the ghetto have the same opportunity as other citizens to choose where they want to live, and the economic means to exercise this option.

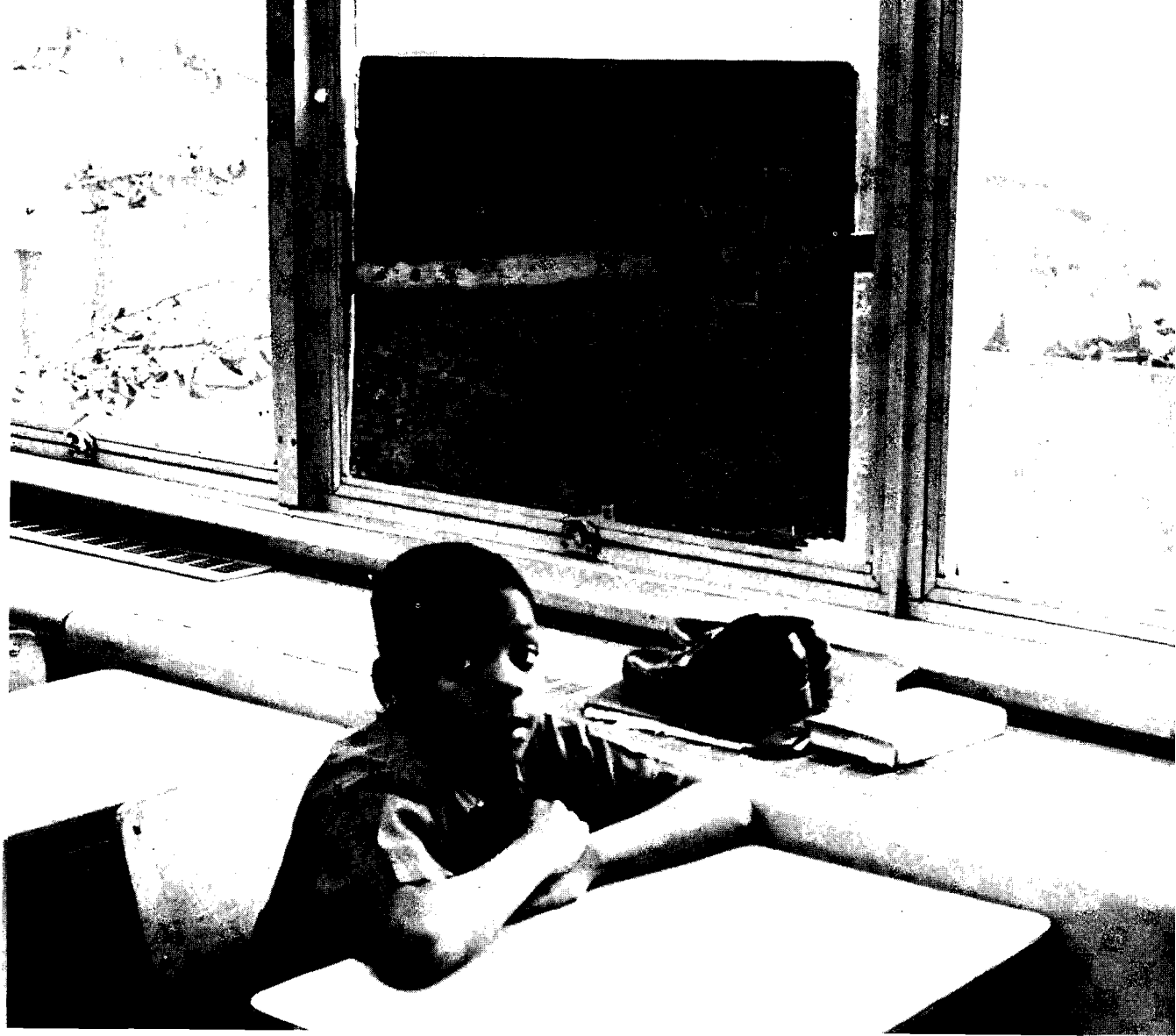
At the same time, it is clear that school integration is not moving ahead fast enough to benefit thousands of children in the schools of our ghetto neighborhoods who need a good education now—not next year or five years hence. And since education is perhaps the single most important key to escape from the ghetto, this Commission, as a matter of immediate urgency, is addressing itself to reform and improvement of ghetto schools in the immediate future. Each day that a child is poorly educated or miseducatedl postpones and in many cases precludes the possibility of escape.

## THE PRESENT SITUATION

It is a matter of public record that Newark has reached its bonded indebtedness limit. As recently as Nov. 28, 1967, the Board of Etlucation was notified by the City that the new school construction totaling \$51 million will have to be delayed indefinitely.\* The Newark Public School System is some \$250 million behind in capital funds needed to bring the present physical plant up to date.<sup>3</sup>

Thirty-one of the 75 school structures in Newark were built in the last century. Forty-four buildings are more than 50 years old. Although many of these schools have had extensive alterations, they remain aged, functionally unsatisfactory and costly to maintain."

The educational impact of this obsolete physical plant is reflected in these figures: In September, 1966, there were 49,240 pupil stations and 55,292 pupils in the elementary schools. This meant that the schools were short 6,052 places.<sup>5</sup> The Superintendent of Schools and his staff estimate that the shortage in September, 1967, was closer to 10,000



pupil stations in the elementary schools.<sup>6</sup> These shortages have led to 108 part-time classes in Grades 1-4 in center city schools, affecting 3,194 pupils as of September, 1966. The shortages also meant that the enrollment compelled 112% utilization of capacity, with 35 of 50 elementary schools operating at 101%–151% of capacity.<sup>7</sup> Under normal circumstances, shortages and part-time classes can be dealt with on a temporary basis, but it is particularly critical when many of the children are in need of special attention and the shortages result in a restricted school day for the pupils. The optional pupil transfer policy established in 1962 has not led to any appreciable lessening of pressure on over-crowded schools, because most parents have resisted busing and other techniques that would transfer their children to even nearby out-of-neighborhood schools.<sup>8</sup>

This situation of inadequate school buildings, coupled with the lack of capital funds to do something about it, exists in the face of an ever-increasing public school population, especially in the elementary schools. The rate of growth between 1961 and 1966 was 14.5%.<sup>9</sup> When the present mass of elementary schoolchildren reaches junior and senior high school age, the already overextended facilities of these schools may not be functional. The age and inadequacy of many of the buildings limit or preclude the opportunity

to launch innovative educational programs at a time when the demand will be the greatest.

The increasing pupil population of Newark has other important implications. One-third consists annually of new arrivals mainly from North and South Carolina, Virginia, Florida, Georgia, Puerto Rico and New York City (mostly Puerto Rican).<sup>10</sup> Because many of the children received their education in rural segregated schools of the South, or speak Spanish, they are ill-equipped to cope with the demands and systems in the North. Rural depopulation is a national problem, but Newark has inherited a disproportionate share of it. In the case of the Spanish-speaking immigrant child, no urban school system has been able to provide enough special programs, due to a lack of certified Spanish-speaking teachers.

The problem is compounded in Newark because of the departure of 28% of the children from the system each year.<sup>11</sup> Many of these transfers are the result of the quest for better educational opportunities in parochial and suburban schools. Meanwhile, the influx of poor children, mostly Negro and Puerto Rican, continues.

In 1961, 55% of Newark's pupils were Negroes and 4% Spanish-speaking; in 1966, the ratio had gone up to 69% Negro and 7% Spanish-speaking.<sup>12</sup> These percentages have probably increased further since these statistics were compiled. For example, Weequahic High School, formerly a predominantly white college-preparatory high school, increased from 19% Negro to 70% Negro between 1961 and 1966,<sup>13</sup> and the present estimate is over 80%.<sup>14</sup> West Side High has gone from 33% to over 80%, and Barringer from 6% to close to 40% in the same period. Barringer has also had an increase of Spanish-speaking pupils, from 0.3% in 1961 to over 10% this year.<sup>15</sup>

This rapid and massive shift in pupil population poses staggering educational problems. These are most graphically reflected in the performance of pupils on standardized reading tests. Thousands of children in the Newark schools either cannot read, or are such poor readers that there is little hope for an escape from the ghetto. The statistics show the following:

- For Grade 3, in October 1966, the Newark total reading median was 1.9 while the national norm was 3.2 grades.
- For Grade 6, in October, 1966, the Newark total reading median was 4.0 compared with the national norm of 6.2 grades.
- I.Q. medians were substantially below the national norm for Grades 3 and 6.
- In Grade 7 the Newark total average on the Stanford arithmetic test was 5.1 compared with a national norm of 7.2 grades.
- The reading and I.Q. medians for Newark show that well over one-half of the secondary school pupils are or will be functionally illiterate by present standards at the end of high school, if the present trend continues.
- Pupils in predominantly white schools score almost a full grade higher than those in non-white schools on standardized tests.
- The gap between Newark and national levels of performance widens as the student moves up in grades.<sup>16</sup>

Mr. Ashby, in his testimony before the Commission, stated that only six out of every 100 Newark pupils read above the national norm.<sup>17</sup> Newark's Model Cities application confirms this picture.<sup>18</sup>

Reading deficiency cripples a pupil. The basic reading skills must be mastered by the end of the third grade. Those who fall behind need special service, but the personnel to provide it is in short supply. There are not enough guidance counselors, school psychologists, psychiatrists, school social workers, remedial reading teachers and

other specialized personnel to deal with the individual pupil's problems. The Newark schools discovered in 1966 that they could not find adequate numbers of specialists to staff special programs for disadvantaged pupils under Title I of the Federal Elementary and Secondary Education Act.<sup>19</sup>

## THE DROPOUT PROBLEM

If a pupil knows that he cannot read, alienation from school sets in, and he becomes lost to the educational process.<sup>20</sup> Newark's cumulative (1962-66) high school dropout rate was 32%.<sup>21</sup> The annual transfer rate of 28% in Newark and the resulting loss of information about individual pupils, combined with the actual high school dropout rate, indicates that the number of young people out on the streets is growing steadily. These young people constitute social dynamite, not to mention the loss of human potential and the cost of that loss to society.

The alienated and hostile pupils who remain in school also create problems. Some become clinically disturbed and are disruptive. Others become lethargic. Teachers must resort to discipline at the expense of instruction. Even if the pupil manages to graduate from high school, his opportunities are limited because his education "on paper" has not prepared him for a meaningful role in society. Newark has more than its share of alienated youth. The educational breakdown of the school system can be expected to lead to broader kinds of social emergencies.

This is especially evident in Newark's high schools. The polarization of racial attitudes in cities such as Newark is carried into the high schools by the pupils. Negro young men are resisting their white peers and school officials. The uneasiness and tensions in the adult communities are reflected in the hostility of youngsters in the school environment. This is what led to the rash of incidents at Barringer High School last fall.<sup>22</sup> Trenton, New Haven, Pittsburgh and Philadelphia are other communities that have experienced violent disruptions in high schools. Some observers of the urban scene believe that future civil disorders may center on the high schools in cities. Thus far, Newark municipal and school authorities and community leaders have been able to hold violence to a minimum, but stop-gap measures do not constitute long, or even short-term, solutions.

In the face of these problems, it is not surprising that data from the opinion survey sponsored by this Commission produced evidence of substantial dissatisfaction among Newark Negroes and whites with the school system.

"Question: Next, take the public school system. Would you say they are doing an excellent, good, only fair, or poor job in meeting their responsibility?"

	Negroes	Whites	
		Newark	Outside Newark
Excellent . . . . .	3%	2%	29%
Good . . . . .	21	35	51
Only Fair . . . . .	29	26	8
Poor . . . . .	20	9	1
No Opinion . . . . .	17	28	11

"Question: On the whole, would you say you are satisfied with the education of your children?"

	Negroes	Whites	
		Newark	Outside Newark
Satisfied . . . . .	27%	44%	71%
Dissatisfied . . . . .	30	27	1
No Opinion . . . . .	43	29	28

"Question: Which, if any, of the items on this list would you favor?"

	Negroes	Whites	
		Newark	Outside Newark
Improving schools and teaching in Negro areas . . . . .	74%	56%	65%

These findings indicate substantial agreement among all three groups of respondents—blacks and whites in Newark and whites in the neighboring suburban communities—that improved education in Negro areas should have top priority on the city's agenda.

Another significant result is the high coincidence of views on education of Newark whites and Negroes, who are sharply split on most other issues. Thus, 3% of Negroes and 2% of whites asked think the public school system is excellent. Opinions vary more between the two groups when it comes to "good", "fair", or "poor", but not as much as the views of both Newark groups differ from those who were interviewed in the suburbs. There, 29% gave their school systems an excellent rating, and 71% were satisfied with their schools' educational performance, as compared with 27% of Negro and 44% of white respondents in Newark.

These data indicate that substantial segments of the total Newark community believe that the Newark public school system is failing its pupils.

**STAFF NEEDS**

It takes a special kind of teacher to perform effectively in the schools of urban centers today. Beyond possessing traditionally accepted qualifications, the teachers must also be able to serve as models and to motivate children who cannot be reached by tra-



ditional methods. Newark, like cities throughout the country, suffers from a shortage of such personnel. In the face of this shortage, and of the limited resources at their disposal, it is to the credit of Newark's school authorities and teachers that they have been able to keep the system in operation.

Regular teachers are selected in Newark on the basis of education credits and a qualifying examination administered by the Board of Education and developed by the Educational Testing Service, Inc., of Princeton, N. J. The cutoff point on the test score is the 15th percentile. Negro and Spanish-speaking candidates traditionally score lower or standardized, verbally oriented tests. The Superintendent's office and a committee of teachers are now studying the qualifying examination with the Educational Testing Service to determine the validity of the present test in the context of Newark's needs.<sup>23</sup>

Although it is difficult to ascertain the exact number of teacher resignations on a monthly basis, many urban schools are experiencing an increasing rate. Newark has had a teacher turnover problem, and there is reason to believe that the problem will be magnified as racial conflicts increase in communities under tension.<sup>24</sup> If the rate of teacher absenteeism and resignations rises to a critical point, daily operation of the school system will be jeopardized.

There are 3,500 teachers in the system, of which one-fourth are Negro. A majority of the Negro teachers hold temporary teaching certificates and serve on a substitute basis. Most of them live in Newark, while a great majority of the white teachers live outside of Newark. Fully certified teachers gain tenure after three years of satisfactory experience.<sup>25</sup>

In a system in which some 50 of 75 schools have a majority of Negro pupils, there are no operating Negro principals and only one vice principal. Two former principals are now on the staff of the Superintendent of Schools.<sup>26</sup> As in the case of teachers, oral interviews figure prominently in promotional tests for principals and vice principals, in addition to promotional examination scores.<sup>27</sup>

The situation raises these questions: No matter how good the teacher in a traditional sense, and no matter how effective the administration, are the present methods of teacher selection and administrative promotions realistic in an impacted ghetto environment? If the shortage of fully certified teachers reaches the crisis point, who will fill the vacancies? Can the regular teacher training institutions provide new talent with adequate preparation for urban teaching? No immediate answers are available. America is more aware than ever of the educational crisis in urban schools, but there have been few if any break-throughs in the teacher-training and certification areas.

## **AVENUES TO CHANGE**

Mr. Titus stated in his testimony before the Commission that expanded special services are essential, but he warned the Commission that these services in themselves, as well as enriched traditional techniques, constitute "more of the same." Because traditional methods are not succeeding and because special services can reach only a few, Mr. Titus called for innovative approaches. The funds are not presently available, he said, but something constructive must be done before the problems overwhelm the system.<sup>28</sup>

Above all, Mr. Titus and other experts searching for solutions desire a cut in class sizes. At present, the average is 33 pupils a class, with one class of 44, one of 43—both at Alexander Street School—three classes of 41, and 14 classes of 40.<sup>29</sup>

## **THE CAMDEN STREET SCHOOL PROJECT**

Although a cut in class size would help, it is not the whole answer. There is more to reform of ghetto schools. One approach that in the view of many educators has promise is a demonstration project operating in Newark's Camden Street School. Mr.





Titus, in his testimony before the Commission, saw many merits in the project and appeared ready to apply its principles on a broader scale.<sup>30</sup>

Funded under the Federal Title I (ESEA) Program, the project is administered by Design for Urban Education of the Graduate School of Education of Rutgers the State University. The project consists of an educational program in the school itself, and a child-parent center on 16th Avenue.

The project is attempting to stabilize the community by mobilizing pupils, parents, administrators, teachers and specialized personnel in a common effort to improve education in a ghetto school. The project has improved the delivery of supplementary services to both children and adults. It is retraining teachers so that they can cope with the needs of the children. It is producing some of its own reading books. Parents are involved in the affairs of the school itself and are vocal in support of the project.<sup>31</sup>

The Camden Street School project is not perfect. Some officials in the State Department of Education feel that there are programmatic gaps. Some teachers in other Newark schools feel that comparisons are unfair, because pupils in their schools are not receiving the \$300-a-pupil additional support the Camden Street School pupils are getting through the project. Yet, with due respect for its critics and recognizing the programmatic gaps, the project seems to be a hopeful effort, which has received the support of the Newark Board of Education and experts from other parts of the county.<sup>32</sup>

Although the Camden Street School project is the only available model in Newark, there is reason to believe its scope could be expanded to include other Central Ward schools, from pre-kindergarten through high school. There are many fine teachers in Newark schools. Very few have been involved in planning and implementation of new

programs. The project makes use of the talents of individual teachers by a team planning approach through which the teachers support one another as they cope with the educational needs of the children. The project could also serve as a training laboratory for new teachers.

The concept of parental involvement is implemented through the Child-Parent Center located in a store front and open many hours of the day and night. It remained open throughout the civil disorders in July. The center counsels parents on the educational needs of their children and refers parents to agencies in a position to provide direct services for them or the children.

## **BRINGING SCHOOLS CLOSER TO THE COMMUNITY**

Demonstration programs can show how it should be done. They can serve as a training grounds. But they cannot in themselves bring about the massive changes that are needed in the central city schools.

One major problem is the lack of any meaningful relationship between the people in the ghetto and their schools. The situation contrasts sharply with that in many suburbs, where parents, and particularly mothers, are in touch with teachers and principals, and active in or on behalf of the schools. The larger the urban school system, the more distant and detached the central school board and administration.

But distance and detachment are not matters of choice, at least not on the part of many parents in the ghetto. Interviews conducted by the Commission's staff and the opinion survey show that the primary interest of many residents of poor neighborhoods is the education of their children. They see their children fail in school, or drop out, and they are desperately looking for ways to save them before yet another generation grows up unequipped to succeed in American society.

Other large school systems in the country are grappling with this problem of developing a new relationship with the parents and the communities in which they now operate with limited or no success. The trend is toward a system in which the people of the community have a stake in the school and, by working with administrators and teachers, develop understanding for their problems and respect for their responsibilities.

By the same token, teachers will be the richer for the deeper understanding they can gain of the backgrounds and social situations of their pupils, and of the ambitions parents harbor for them.

This objective is not likely to be reached in large cities in the context of a centralized system. In the nation's largest city, the die seems to have been cast for radical reform. A plan to decentralize New York City's schools is now before that State's Legislature. It is based on the premise, in the words of the plan's authors, that such a reorganization "can liberate new constructive energies and rebuild confidence in all parts of our educational system, among parents, teachers, administrators and supervisors—and then in the minds of the children in the schools."<sup>33</sup>

Although New York City's problems are more complex than Newark's, and although the available resources are of a very different order, we suggest that Newark could profit from developing a less centralized system.

All children in schools not performing at top quality would gain from a more community-oriented system. In the end, by raising the educational level of all the children of the city's major communities—white, black and Spanish-speaking—such a system will advance the cause of integration, to which we, as communities and as a State, remain firmly committed. For the child of poverty, the school is his only means to achieve freedom of opportunity and choice.

Most children of poverty in Newark have no hope in the present situation. A few may succeed in spite of the barriers. The majority will not. Society cannot afford to have such human potential go to waste. Society can and does act in a crisis. The educational breakdown in Newark's schools is a crisis.

# Welfare

Guided by its general policy, and in accordance with Governor Hughes' charge not to make "studies for studies' sake," the Commission sharply circumscribed its investigation of welfare problems. The welfare system is being subjected to basic re-evaluation on a national scale. Many proposals are receiving wide-ranging discussion and some are being tested in pilot operations. The most important of these revolve around possibilities of establishing some form of guaranteed national income, or a negative income tax. Others would separate the public assistance function from that of providing social services.

In the five months of its existence, the Commission did not attempt to enter into a substantive study of these proposed reforms. Instead, as in other areas of its investigation, it was guided by the concerns that were in the forefront of the minds of ghetto residents—in this case welfare recipients—and sought to come up with some proposals that could be implemented with relative ease and that might relieve some of the pressures now exerted on both administrators and recipients.

## THE RISING CASELOAD

In New Jersey, welfare is organized into six programs. Five of these are Federally sponsored and partly Federally financed. They are called categorical' programs because the majority of welfare recipients can be "categorized" under them. The sixth program is called "general assistance" and is intended to provide relief for those not eligible for the categorical programs. General assistance receives no Federal support.

The five categorical programs are:

- Aid to dependent children.
- Aid for the blind.
- Aid to the disabled.
- Old age assistance.
- Medical assistance to the aged.

The total amount of welfare costs is reflected in the chart:

AMOUNTS EXPENDED FOR OLD AGE ASSISTANCE, DISABILITY ASSISTANCE,  
ASSISTANCE FOR THE BLIND, MEDICAL ASSISTANCE FOR THE AGED,  
ASSISTANCE FOR DEPENDENT CHILDREN AND GENERAL ASSIST-  
ANCE AND THE AMOUNT EXPENDED FOR 1960, 1964, 1967

	1960	1964	1967
O.A.A. ....	\$19,916,975	\$13,311,083	\$13,111,713
D.A. ....	7,085,971	8,948,574	12,282,678
A.B. ....	0 <sup>x</sup>	928,715	1,041,611
M.A.A. ....	0 <sup>*</sup>	11,133,906	20,760,250
A.D.C. ....	23,911,107	52,143,700	78,754,880
G.A. ....	11,752,572	14,878,467	16,137,943
Total .....	\$62,666,625	\$101,314,445	\$142,089,075

\* Medical Aid to the Aged was part of O.A.A. and was separated in 1963.

\* Aid to the Blind was handled by the Blind Commission in 1960.

Source: Division of Public Welfare, Department of Institutions and Agencies.

The costs of these programs are distributed among the Federal, State and county governments. The distribution formulas differ for each program. In 1967, the average Federal share was slightly over 46%, the State's slightly over 28% and the County's 25%.

The largest program, aid to dependent children, has the lowest Federal share (42.3%) and the highest County share (28.8%).<sup>1</sup> This category also is the one that has scored the



most spectacular rise in cost and numbers in recent years. As the chart shows, Aid to Dependent Children costs accounted for 38% of total welfare costs in the State in 1960. In 1967, despite the addition to the total of a large increase in Medical Assistance to the Aged since 1960, Aid to Dependent Children consumed 56% of total welfare expenditures. Between 1960 and 1965 the number of persons receiving assistance under this program more than doubled. In Essex County in this period, the number more than tripled with a somewhat more than proportional increase in the cost.<sup>2</sup>

This increase is partly due to the rapid growth of the population under 18 years of age, which makes up the bulk of the clientele in the Aid to Dependent Children program. This reflects both an increase among local residents as well as migration from the South and Puerto Rico.

The sharing of the costs of welfare payments reflects a recognition that the problems welfare deals with transcend the responsibilities and resources of county and city. America's economy is increasingly national in character, does not distribute prosperity evenly and Americans are free to move in pursuit of economic opportunity and other goals. It might be argued that welfare costs are a penalty on local government for unaggressive economic policies. But this argument is questionable, for welfare costs are high in all cities. In general, they are highest in those cities and counties whose resources are already overburdened. The extreme comparison in New Jersey is between Essex and Bergen Counties. In the fiscal year 1965, the per capita expenditures for categorical aid programs were seven times as great in Essex as in Bergen County, while the per capita ratables in Bergen were 137% those of Essex.<sup>3</sup> The problem is compounded by the fact that the administrative costs of general assistance are borne entirely by the municipality.

The welfare system is coming under the same kind of strain from which other institutions of the city suffer—schools, housing programs, employment services and government itself. That the scope and the character of all these program and service needs have changed radically over the years is not open to question. As a result, those who man the programs find themselves struggling against ever-rising odds, and those whom the programs are designed to benefit become increasingly restive, because even the best efforts of the administrators cannot stretch the system or the resources enough to meet the present need.

## STRAINS AND STRESSES

The stated objective of the welfare programs is to relieve need. It is to provide money and goods to the point where need is met. In the case of Aid to Dependent Children, there is the added objective that the children will be cared for in a family situation, even when only one parent is present. Supervision is provided to testify to the need and to assure that no assets or earnings are hidden. Supervision is also provided to assure that the funds are applied to meet the need for which they were provided.

The question is whether this approach is still adequate. There is mounting dissatisfaction and criticism on all sides. Recipients complain of meager allowances; administrators of rising caseloads; caseworkers of the frustration of a job for which they were not trained; and taxpayers of the cost. Welfare client organizations protest against demeaning procedures and violations of privacy.

Some problems have their roots in the complexity with which the system is now being administered. For example, county and city welfare agencies regularly conduct parallel and duplicating investigations of applications for public assistance. For one thing, these investigations are considered demeaning by many clients. What is more, it generally takes at least 30 days to process an application under the categorical program. While this is going on, the municipality provides temporary relief under general assistance. The time it takes to determine eligibility costs the State money; for until a family comes under

categorical programs, of which the Federal Government pays a substantial share, the State and local governments must take care of welfare applicants. To illustrate the point: A mother with five children applies for ADC benefits. The basic entitlement for the family is about \$275 a month for personal and household needs, plus rent, which might be \$125 a month. While the application of this family is being processed, the \$400 they need has to come out of general assistance funds to which the Federal Government makes no contribution. Had eligibility under ADC been determined more quickly and the family been placed on the ADC rolls sooner, the Federal contribution would have become available that much earlier and would have saved the State a substantial sum.

In addition, the social work talent that was used for the two investigations might have been used more efficiently and in ways more in line with the work that social workers are trained for.

Another major problem in New Jersey also relates to the ADC program. As the law stands, assistance under ADC can only go to families where one parent—usually the father—is absent and the children, therefore, depend for care on the mother. If the father stays at home, the family is not eligible, even though the father may be unemployed or earn an amount far below the essential needs of the family. Since such a family is financially better off by receiving aid under ADC, the law gives an incentive to an unemployed or underemployed father to leave home and thus enable his family to receive ADC assistance.

Critics of the system say this provision is one of the causes of the breakup of families in disadvantaged communities. The State Board of Public Welfare and the State Board of Control—the policy making body for the Department of Institutions and Agencies—have asked the Legislature repeatedly to take action so that aid to dependent children may become available to families where the father is unemployed or underemployed.

Welfare officials in this state, and many of their colleagues in other states, agree that many people on the welfare rolls, including mothers who have access to day care for their children, would much prefer work to public assistance. However, under existing regulations there is little to encourage them to do so, for anything earned by a welfare family in excess of \$40 a month is automatically deducted from the welfare allowance.<sup>5</sup> Considering the problems of arranging day care, transportation costs and other expenses associated with employment, a welfare recipient could wind up losing money by going to work. Against this background, there can be little doubt that it is in the interest of welfare clients and taxpayers alike to make some reforms that would provide a greater incentive than now exists for clients to seek gainful employment.

The most common grievance of welfare recipients, echoed by experienced administrators, is the meagerness of the basic allowance. The budget of a welfare client is supposed to provide actual rent and a food budget is supposed to be calculated in accordance with the local prevailing prices. Beyond that, any unforeseen expense must come out of the food budget. To purchase items such as winter clothes, appliances or beds, three estimates must be obtained. Usually the lowest estimate is taken. Too often this means purchasing from low-quality stores or charity outlets. In the long run it wastes money when inferior goods must be replaced.

Receiving welfare checks once a month is another factor that aggravates rather than alleviates a recipient's problems. The middle-class housewife who can make a tight allowance last through four weeks is rare; a woman on relief has less opportunity to do comparison shopping. Seldom does a caseworker have time to counsel her or give shopping tips. Thus, welfare budgets often are not well managed, and allowances disappear before the month is out.

A consumer problem relating to poor people in general is garnishing or assignment of wages. When wages are garnished—a common occurrence in the ghetto—much of a per-

son's resolve to keep a job and to become a productive citizen can be shattered. Furthermore, employers are inhibited from hiring employees whose wages are subject to garnishment.

An essential element in an over-all program of reform is the expansion of day-care facilities, so as to free mothers who wish to go to work or do so—or to enter training as preparation for a job. At the same time, the children of such mothers would receive supervised and educationally enriched care. Expanded day care would also offer mothers now on the welfare rolls an opportunity for gainful employment and perhaps even a new career through work in such a broadened day care system.

These problems illustrate the need for a re-evaluation of New Jersey's welfare laws and regulations in a perspective that is far broader than the mere staving off of hunger and want. It is time that we asked new questions.

Can we continue to keep vast and rising numbers of people at the margin of poverty, without major efforts to give them an option to become self-sustaining and part of the normal economic and social life of the society?

Should not the elimination of poverty rather than the overcoming of want be the goal of welfare?

Should not the welfare system become an active force in helping the client to become economically independent, rather than supporting him until age or circumstance removes him from the rolls?

## **A WORD ABOUT NEW FEDERAL LEGISLATION**

As the Commission neared the end of its study, Congress enacted several new provisions in the Social Security Act. Although several of these amendments will be helpful to the State in meeting its responsibilities to the aged and to some other categories of needy people, the new provisions also pose some serious problems. Most serious is the ceiling on the number of children in Aid-to-Dependent-Children families who will be eligible for Federal assistance. Beginning on July 1, the number of children under 18 years of age who will be receiving assistance under the ADC program because of the absence of the father from the home will be ineligible for Federal aid to the extent that such number exceeds the proportion of such children to the total population of this age group as of Jan. 1, 1968. Since in New Jersey the ADC population has been rising steadily, and much more rapidly than the general population, this means that a vast new burden of assistance will fall entirely on the treasuries of the State and counties, or else there will be no provision for these youngsters.

The Commission wholeheartedly supports the principle of encouraging welfare recipients to become self-supporting, but we cannot believe that pulling funds away from needy children is a realistic way to achieve this goal.

We believe that, with imaginative programming and the investment of adequate resources in such programs, the welfare system can be converted into a vehicle for opportunity for thousands of people.

At the same time, a complex and rapidly changing society like ours must expect to meet its responsibilities to those still not reached by opportunity. Some day this need may be met by some form of guaranteed income. It is not too soon to look ahead to that possibility and to study its implications for our State.

# Antipoverty Programs

The United Community Corporation (UCC) in Newark represents a case history of the tensions, contradictions and conflicting views that beset antipoverty programs throughout the nation. All the problems are there—the contradictions inherent in the founding philosophy, the controversy over the role of City Hall and other institutions, the administrative struggles of a new agency attempting to interpret and follow confusing directives from the community and the bureaucracy.

Unlike many other poverty agencies, however, the UCC still has the potential to implement the "maximum feasible participation" provisions of the Economic Opportunity Act and to synthesize the divergent influences upon the war on poverty into an effective program. To realize this potential, the UCC requires a commitment to its future by the political and community leaders of Newark and of the State and national governments. The UCC also needs a fair opportunity to carry on self-improvement efforts that are now under way. The organization should receive adequate financial and moral support during this critical period.

In its three years, the UCC has scored successes in two fields. The amount of money the organization has been able to draw into Newark has been high from the outset in comparison with other communities in New Jersey and in other parts of the nation. By November, 1965, for instance, the UCC had received \$3.6 million or nearly two and a half times the amount of \$1.5 million originally allocated to the organization by the Federal Office of Economic Opportunity (OEO). According to current estimates, the UCC by the fall of 1967 had received \$12 million, of which about \$4.8 million applies to the nine-month period ended on Jan. 31, 1968.<sup>1</sup> More than 1,000 jobs have been made available annually through the UCC and UCC-sponsored programs. Clearly, these sums are far from adequate in terms of the need—a problem Newark shares with all other large cities. The UCC's success was in getting a large piece of the small national pie.

The other major UCC success is less tangible and thus not easy to measure. This is the individual growth and increased sophistication of the people involved in the program, particularly members of the board of trustees. They include Negroes and whites and represent a wide range of socio-economic levels. As C. Willard Heckel, dean of the Rutgers Law School and past president of the UCC board, put it:

"Our goal was to provide the instrument by which people can shape their destiny and in the process acquire skills."

That being the goal, "UCC was amazingly effective."<sup>2</sup>

On the other hand, the UCC's administrative performance has not kept pace with the over-all growth of the organization. Problems include weakness of the central office staff in handling fiscal and management functions, inadequacies in the training of central and area board staffs and in monitoring and assisting delegate agencies, and little innovation in such key areas as housing and job development. Several reasons account for these shortcomings: inexperience of personnel; the newness of the effort; conflicting policies and instructions from the regional and national levels; inadequate funds for training and for a full accounting staff; the unpredictable future of the program; and recurrent crises resulting from tensions within the organization and from the strained relationship between the UCC and City Hall.

While there is need for improved performance in these areas, it would be a mistake to over-react in favor of administrative efficiency at the cost of community involvement. It must be remembered, that with all its imperfections, the UCC enjoys the support of a substantial segment of the Negro community. This is reflected in the data of the Commission-sponsored opinion survey. Eighty-three per cent of the Negroes in the sample had



heard of the UCC. Of those who had an opinion of its performance, the largest segment—22% thought it was doing a "good" job and another 22% rated it "fair." Although only 4% gave the UCC an "excellent" mark, those who thought it was doing poorly also were a small minority—4%. And of those Negroes who had an opinion of the antipoverty program in general, 63% approved, while only 12% disapproved of it.

These data indicate that the antipoverty program in general and the UCC in particular mean a good deal to many of Newark's Negroes. If the community's confidence in the program is destroyed, the poor will be left without an institution that now is available to them and that many of them consider their own. It would also leave them with no effective link to the democratic process. On the heels of the disorders of the past summer, it becomes all the more imperative to strengthen the UCC internally and to raise its prestige in the community.

## A TROUBLED HISTORY

In its short history, the UCC has had a host of troubles from which all those involved might learn if the organization and its performance are to be strengthened in the future. One problem area has been the UCC's relations with the OEO. At one time, the OEO had high praise for the UCC.<sup>3</sup> But then came a period of strained relations, both in Washington and at the regional level. The OEO traced its dissatisfaction to UCC administrative deficiencies, the agency's failure to follow certain directives, and the embarrassment resulting from public criticism of the program.<sup>4</sup>

The UCC countered with complaints of frequent staff changes, arbitrary funding decisions and over-reaction to the complaints of politically motivated critics. Still, the UCC is a going concern and recently has been working with the OEO to reorganize its structure and to improve communications with City Hall.<sup>5</sup>

Relations between the UCC and the community it seeks to serve have also had their ups and downs. Interviews with community people indicate that prior to the summer disorders, the UCC's prestige was on the decline in the community. People appeared to be puzzled by the complicated structure of the organization, and they saw little of what it was doing. This was due in part to the fact that the credit for good work done by the UCC's delegate agencies—such as the Newark Pre-School Council and the Newark Legal Services Project—went to these agencies and did not rub off on the parent UCC.<sup>6</sup>

Another factor was the failure of some area boards to involve community people in specific and meaningful programs. To some extent, this was due to the dominance of certain interest groups on the boards. But more important was the lack of widely visible programs, caused by inadequate expertise and funds in the area boards.

Today these negative factors are overshadowed by the events of last July, and the UCC's role in them. Many residents of the riot area feel that this role was constructive—designed to calm the situation and to assist riot victims. As a result, the stock of the UCC appears to have gone up once more in the community.

Another problem for the UCC has been its relationship with City Hall. The reasons are manifold. From the outset, there appear to have been differences in philosophy and understanding of the program's purpose. At the first meeting of the UCC membership, Mayor Addonizio stated his position in these terms:

"It is the UCC's job to act as the eyes and ears of the antipoverty program and to suggest and coordinate programs developed from the information gathered from the poor; a 'social agency', advising the component organizations on what is needed and helping with detail work . . . if the UCC builds itself up into a major publicity force and begins to think of itself as a political weight, then it will fail."<sup>7</sup>



In sharp contrast Walter Dawkins, director of the Blazer Work Training Program, a UCC delegate agency, sums up the feeling of many in the Negro community:

"The idea of UCC is the only kind of dream that will save America. It is in the general interest to have good, strong community groups to expose local weakness, and with the support of the Federal Government move to have them corrected."<sup>8</sup>

The attitude of the City Council has exacerbated the relationship between the UCC and Newark's political leadership. From the beginning, the Council has tied conditions on grants of matching city funds to the organization. Moreover, the Council has contributed only \$28,503 in such matching funds—a fact which has generated a good deal of bitterness in segments of the black community. New York City by contrast provided approximately 30% of the funds out of local tax levies for the Human Resources Administration out of a \$109 million budget for 1966-67.<sup>9</sup>

Mayor Addonizio's interest in the work of the UCC began to wane soon after the organization's establishment. He called the organizational meeting of the UCC and attended the first membership meeting, but he has not been an active member of the UCC Board. He has not come to any board meetings in several years of the organization's existence.

The Mayor's apparent decision not to participate, as well as the City Council's continuing investigation of, and hostility to, the UCC have generated a strong reaction in the organization and this led to more hostility in City Hall. The Mayor and others in City Hall came to believe that the UCC was a gathering place for political enemies and critics of the Administration. Although several of the Mayor's political opponents have been active in UCC affairs and have received a good deal of public exposure through the news media, it appears that the UCC simply provided a forum through which anyone

(both pro- and anti-Administration) could express himself. Timothy Still, president of the UCC Board, said in an interview:

"UCC cannot deprive them (members) of their privileges or rights as citizens."

There are indications that the Mayor has one strong interest with regard to the UCC—its patronage potential.<sup>10</sup> But the prospect of increased City Hall involvement in the organization becomes more intolerable to the UCC whenever the Mayor responds negatively on an issue about which the Negro community feels strongly, such as the Parker-Callaghan dispute. City Hall-UCC relations were headed for an impasse prior to the appointment last fall of Dr. L. Sylvester Odom as executive director. The suspicions of some in the community about the City's intentions were not allayed by this appointment because he was viewed by these community people as a candidate agreeable to City Hall. Yet other UCC leaders believe the UCC has a new chance, and if the organization is alert to its interests, there is nothing to fear from increased City Hall participation in the program.<sup>11</sup>

Although a few steps toward a reasonable working relationship have been taken in the last few months, the test may well come as a result of amendments to the Economic Opportunity Act passed by Congress at the end of last year. The "Green amendment" gives the mayor of a city the option of placing the existing community action program under his complete control or of designating another corporation of his choosing to serve that purpose in the city. Either step, if taken in Newark, would have serious implications for the future.

The UCC has served as an outlet for frustration, a forum for critical community opinion, as a mechanism for involvement, and in some instances, change. In times of crisis, the UCC has been available to the City as a communications link with the Negro majority—a service not being performed by any other public agency. Given the present atmosphere of hostility and distrust between the Mayor and important elements of leadership and opinion in the Negro community, a fundamental change in the status of the Negro community's "last best hope"<sup>12</sup> might create new problems. City Hall, in its own interest, should view a strong UCC, respected by the black community, as a major asset in any effort to promote constructive change in Newark.

The recent amendments to the Economic Opportunity Act also have significance beyond Newark. This is not the first time since the passage of the original antipoverty legislation in 1964 that actions of Congress have threatened the vitality and the future of local community-action agencies. Throughout the past three and a half years, the unpredictability of funding levels and of operating guidelines have complicated planning, necessitated budgetary shifts and made it difficult to recruit outstanding professionals.

A more intangible result is the blow to morale suffered by employees of the program whose salaries are always open to question and who are subjected to constant criticism. This is not to imply that antipoverty workers should be exempt either from scrutiny or criticism. But critics should take into account that the programs are new, the problems unusually difficult due to decades of neglect and that work must of necessity be largely experimental. Some UCC employees feel that more stringent standards are applied to measure their performance than are used to evaluate the work of older, more established public agencies and employees. The poor themselves, whose hopes were raised by passage of programs that promised them a real opportunity for direct involvement and change, feel that once again these hopes were unjustified.

## PROGRAMS: AN EVALUATION

The evaluation of new programs is difficult at best. According to any set of standards, the UCC has a mixed record. Its primary accomplishment has been in the area of "community action"<sup>13</sup>—providing a forum for people who had previously not been heard. Through its elaborate structure of area boards, task forces, committees, delegate agencies, the board of trustees and the staff, the organization has made possible experiences that had previously not been available to many persons in the Negro community.<sup>14</sup>

The UCC, in funding its own programs and those of delegate agencies, has also provided jobs for community residents and has served to mobilize and support community efforts. However, despite various social action campaigns in which the organization has been involved, there is no evidence that the UCC wields decisive power or influence in the resolution of issues of vital concern to the community. Moreover, although the UCC structure has facilitated community involvement—anyone can be a member who lives or works in the city—there is evidence that the basic mechanism for such involvement—the area board—has not yet performed its primary function. Struggling without sufficient guidance or funds, only a few area boards have been able to involve significant numbers of community people who were not previously active in community affairs.

At the same time, the central administration's operation has been less than satisfactory. The central office has been hampered severely by lack of funds: only \$292,108 was allocated to administer \$6,265,736 in the program year that ended Jan. 31, 1968. Many key positions have been vacant for long periods. Francis Quillan, vice president of the Prudential Insurance Company and treasurer of the UCC board of trustees, said it was impossible to expect up-to-date financial records with only three bookkeepers. Yet until recently, only three were funded for an organization handling millions of dollars.

Qualifications of key personnel have also been a problem. Persons hired for important positions have not always had experience directly related to the fields in which they were hired to work. More important, there has been almost no in-service training for the staff. Salaries, particularly at lower levels, are too low to attract qualified personnel, and excessive gaps between salary levels, as well as limited opportunities for advancement, have affected morale. Finally, Dr. Odom's predecessors were not able to devote sufficient time and attention to administrative duties.

The programs of the UCC's delegate agencies have, on the whole, met much less criticism than the activities carried on directly under the banner of the central office. Deputy Mayor Paul H. Reilly has stated publicly that the Newark Pre-School Council's Head Start is the "finest pre-school in the United States." Similarly, the Newark Legal Services Project is generally acknowledged in the community to be well run and respected. (Two-thirds of the project's board of trustees are from the community served.)<sup>15</sup>

Both programs have had an impact upon existing institutions. The parents of the Pre-School Council were instrumental in getting the Board of Education to hire community aides under Title I of the Elementary and Secondary Education Act and are now working for the implementation of a teacher-intern "new careers" program at the Board of Education. Newark Legal Services played a major part in developing the recent legislation on rent control that was enacted in Newark, and it has assisted in developing new guidelines for welfare clients.

The UCC plays a limited role in job placement. The City Government has four Neighborhood Youth Corps projects to the UCC's one (COPE) and sponsors several On-the-Job Training (OJT) programs. The UCC initially gave much lower priority to job training than to educational programs. Its performance in this area has also been hampered by the lack of fully qualified personnel, a disadvantageous position vis-a-vis the City in job placement, and a late start.



The job training program under the UCC's auspices with the most potential is the Blazer Work Training Program. Despite its spotty record—internal difficulties, occasional stormy relations with the UCC and inadequate placement, which is in the hands of another agency—the program enjoys a significant degree of community support. Moreover, the program's director is the only person interviewed among present UCC personnel who has devised programs in the area of job and economic development and who has begun to plan for innovative housing programs—fields in which the UCC is not presently engaged.

The brief period available for this study precluded adequately detailed reviews of other UCC programs (FOCUS, Project Enable, the Board of Education Summer Head Start, High School Head Start, etc.).

## **UCC LEADERSHIP**

The UCC's brief history reflects the strong impact of Cyril Tyson, the program's first executive director. Hired in early 1965, Mr. Tyson came to Newark with strong credentials, developed during his service as project director of HARYOU-Act, Inc. in New York City. Several early decisions made by Mr. Tyson have had a decisive influence on the UCC's subsequent course: the early priority given to education projects; the organization of area boards in all parts of the city; the preference for programs submitted by new agencies, such as the Pre-School Council; and an elaborate citizen involvement structure.

These decisions were motivated by Mr. Tyson's desire to attract funds quickly and to make them available to new, community-operated programs before proposals submitted by older, established agencies could be entertained. These decisions, however, steered the UCC away from the area of job training and job development and into increased conflict with certain City Councilmen and some established social agencies. Mr. Tyson's area board concept had the greater significance, for area boards were to be the means through which community residents would ultimately take part in decision-making on all levels (in other institutions, delegate agencies, committees, and the UCC board of trustees).

The hiring of William Wolfe to succeed Mr. Tyson in the fall of 1966 came at a time when financial pressures had become serious. The OEO had asked the UCC to cut its budget. The area boards, although inadequately organized, were sufficiently viable to begin to seek funds for their own programs. At the same time, a flood of program applications came in from delegate agencies for funding. Mr. Wolfe's style of operation did not serve to lessen the conflicts and suspicions among the many competing forces. Accustomed to operating singlehandedly, he entered into negotiations with the City on the new total manpower program (TEAM) at a time when conflicts within the UCC had reached their peak. When he resigned in the summer of 1967, the UCC was so preoccupied with internal problems that its ability to offer constructive leadership was limited.

## **THE UCC AND THE RIOTS**

The UCC's role during the riots has given rise to much conflicting comment. Its personnel and delegate agencies were engaged in a variety of activities in connection with the disorders. A number of its board members and employees addressed the crowd near the Fourth Precinct on the initial day of the disorders and attempted to organize those present. Staff members also called for a demonstration the following day. Testimony by UCC officials before the Commission was to the effect that these activities were designed to channel the emotions of the crowd into a nonviolent demonstration. Police authorities disagreed and felt that the UCC added to their difficulties. On the basis of the evidence it has heard, the Commission does not find that UCC activities were designed to worsen the situation. This finding was also made by the Federal Office of Economic Opportunity.<sup>16</sup>

The UCC's personnel did participate in individual efforts to prevent violence, to bring food and emergency supplies to persons in the riot area and to offer medical assistance and legal aid to those needing it.<sup>17</sup>

The events of the summer resulted in several investigations of the UCC. With the nation's spotlight on Newark, the OEO has made a series of demands for reorganization of the agency. The OEO regional and national consultants have been working closely with the UCC leadership to develop an adequate plan for reorganization as directed.

## **PLAINFIELD**

Community Action Plainfield (CAP) is a poverty program with problems of size and scale: a small budget and staff, a director with little community rapport or support, and little help from public and private organizations.

Plainfield's poverty program is the smallest in New Jersey. Its 1966-67 budget was \$62,000, and was raised to \$76,000 for the 1967-68 program year. Although the limited resources available reflect in part OEO's financial problems, they also indicate that the CAP leadership has not pressed its case for a larger share of available funds by submitting sound proposals and pressing for their approval.

Staffed by nine employees, CAP has operated few programs. An on-the-job training program for 1966-67 has been extended because its funds were largely unspent. Under new direction, this program is now beginning to move. More than 100 students were involved at the end of 1967, and 110-115 direct placements had been made. Efforts are being made to obtain industry cooperation for training and placement, and planning in conjunction with the Plainfield Board of Education for future programs is under way.

CAP has conducted a summer Head Start program, and there have been some limited short-term programs for youth. However, the location of the CAP agency (near the business district) has curbed its ability to involve the community, and staffing problems have hampered performance. Plans are now being made to move the agency to the Second Street Youth Center, closer to the Negro community. There have been recent staff changes and more may be in the offing. These changes may improve the future of CAP's programs and their reception in the community.

Relations between the municipal government and CAP have been cool. At the end of the 1968 program year, the City Council will have provided approximately \$9,500 in matching funds. However, there has been little communication with or support from City officials.

In the wake of the summer disorders better relations may be in the offing. The board of CAP recently asked the Mayor to nominate representatives to fill several vacancies and he has responded.

## **ENGLEWOOD**

The Bergen County Community Action Program (CAP) has jurisdiction in Englewood. But so far, the Englewood community has been given little information on how they might participate in the program.<sup>18</sup> As a result, there is little interest in or impact of the antipoverty program in Englewood.

One exception to this is the case history of a pre-school program in Englewood, the Leonard Johnson Day Nursery, in which conflict has arisen over the position of the delegate agency—the Social Service Federation of Englewood. CAP has found the federation reluctant to comply with the OEO's and its own guidelines regarding "maximum feasible participation" of the pre-school parents. The federation, in turn, feels it has been harassed by CAP. Apart from the merits of the case, communication between CAP and the federation has been failing. In part, this may be due to the "strong executive" approach of the CAP director, Robert Boyd, who is trying to attract funds and build

programs quickly and in the process runs into accusations that he is neglecting **commu-**nity participation. This is also indicated by other examples: Pay schedules of Neighborhood Youth Corps enrollees in Englewood were changed from \$1.40 to \$1.25 an hour and from 15 to 10 hours a week, and charges were leveled at CAP that it was done with little or no explanation. This led to misunderstandings and anger among some youths as well as adults in the community.

Englewood citizens, troubled by the remoteness of the countywide CAP, have on two occasions begun mobilization for "home rule"—an Englewood-based antipoverty corporation, but have failed to complete action. Indications are that there is some continuing support for an Englewood-run program under **Bergen** County CAP, and this may well be needed. For the present, the program has received neither the broad support of the Negro community nor the public attention experienced by other programs.



# Health

That Newark faces a health crisis is well-documented. The following passage from the Newark Model Cities application describes the problem:

"According to the latest statistics (1966 data), Newark has the highest maternal mortality and VD rates in the country; highest infant mortality rate in the nation and the highest rate of new TB cases for all cities. Newark ranks seventh, among 10 leading cities in the country, in the total number of drug addicts . . . The most recent report on a national sample of 302 cities tested for air pollution by the U. S. Public Health Service rated Newark ninth highest. Out-of-wedlock births gave Newark a rate three and one-half times the national rate. The overall birth rate is second highest among major cities." 1

According to the National Commission on Community Health Services:

"The aggregate death rate in Newark . . . is 35% above the national standard, after full allowance for variations in composition of the population by age, sex and race . . ."2

## PROBLEMS OF NEWARK CITY HOSPITAL

Although a number of voluntary institutions serve the general Newark community, including many disadvantaged families and individuals, Newark City Hospital, also known as Martland Medical Center, is the major source of medical care for the poor in the center of Newark. It is because of this, and the strong feelings about this hospital in the black community that came to light in staff investigation, that the Commission focused its concentration on Martland.

Complaints on attitudes of health personnel, care received, excessive waiting time for treatment and drab and crowded waiting rooms are widespread. These feelings are not new, however, as a brief discussion of the hospital's recent history will indicate.

In 1962, Mayor Hugh J. Addonizio made City Hospital a major target for criticism. Charging that the accreditation of the hospital by the Joint Commission for the Accreditation of Hospitals was politically timed, his accusation was that incumbent Mayor Leo Carlin, his opponent, "had managed to whip through a desperate official blessing for this sorry institution."<sup>3</sup> Three years later, former City Magistrate Nicholas Castellano made City Hospital a sharp political issue and called for a grand jury investigation of its administration.

There have been other controversies. Employees have expressed their grievances from time to time by picketing, reporting sick in mass, filing complaints with the Human Rights Commission and, as of November 1967, proposing a "heal-in" to dramatize their problems. Community groups have also expressed their concern about hospital conditions and the quality of treatment. A particular source of community concern was a diarrhea epidemic in early 1965 that resulted in 28 infant deaths, 18 of which occurred at City Hospital.

More recently, Albert Black, chairman of the Newark Human Rights Commission, issued a report detailing numerous complaints and grievances of both patients and hospital personnel calling the hospital "a major cause of tension in the city." Among some of the problems noted in his report, made public at the end of September, 1967, are: shortage of staff; inadequate and insufficient equipment; shortages of eating utensils, food and line; roaches in the rooms; pigeons and bats flying around; no staff doctor for employees; lack of bedside curtains; exposure of patients; and lack of hospital security. These complaints were countered by City Business Administrator Ferdinand Biunno, who denied some of them, such as the presence of pigeons and bats, gave explanations for others and declared his intention to investigate still others and to take appropriate action

on such items as hospital security.<sup>4</sup> Interviews with nurses on duty support several of these complaints.<sup>5</sup>

The administration of the hospital has been beset by many problems. Responsible only to the Mayor and the City Council, which approves the budget, the hospital director and administrator have no board of trustees to which to report. They alone make the rules and regulations governing the handling of patients, outline the duties of employees and handle all management functions. Three hospital directors appointed by Mayor Addonizio have resigned in rapid succession.<sup>6</sup> From October 3, 1965, the date of Col. James G. Pappas's resignation, until June 28, 1966, when the present director, Dr. C. Richard Weinberg, was appointed, there was only an acting head—City Business Administrator Biunno.

Rapid changes in top personnel and the lack of full-time direction over a long period have not made for administrative efficiency. This problem was highlighted in 1965, when the hospital administration admitted that it did not know that 18 infants had died within its own facilities, four deaths occurring in one day, until the epidemic had nearly run its course.<sup>7</sup>

## NEW APPROACHES

Municipal hospitals everywhere are being re-evaluated. Financial limitations imposed by shrinking resources have led many urban administrations to seek ways to get out of the hospital business.

A step to the independence of the Newark City Hospital from the City would be the formation of an independent board of trustees, a move recommended several times over the years.

An ordinance providing for the creation of such a board was forwarded to the City Council by the Administration in 1965, but nothing came of it. But there is another alternative, and it is related to the future of the New Jersey College of Medicine and Dentistry.



The City Administration's attempt to locate medical school facilities in Newark actually began several years ago. In March, 1964, the City first sought to attract the **Seton Hall College of Medicine and Dentistry**, now the New Jersey College of Medicine and Dentistry. Although Mayor Addonizio was not successful at that time in getting medical school facilities located in Newark, steps were later taken to affiliate departments of the College with the Newark City Hospital. The affiliation of the department of pediatrics, which became official in February, 1966, was followed by links with the departments of obstetrics, gynecology and internal medicine. Medicine and surgery were subsequently affiliated. Newark City Hospital has now become the college's principal community teaching hospital.

In the fall of 1966 it became known publicly for the first time that the City had offered land in the vicinity of the hospital for the entire medical school. The prospect of such a move has since become the source of major controversy. The complex political and relocation aspects of the controversy are treated more thoroughly elsewhere in this report. But there is another issue. It arises from strong feelings in the community that present proposals submitted by the college fail to show plans for "medical facilities and programs which will substantially improve health care in the Model Cities Neighborhood in which it will be located."<sup>8</sup>

There are impressive reasons from a medical point of view why the College should choose Newark over a suburban area:

- A wider variety of cases.

The availability of ample manpower to staff the institution and to train staff for the many professional and ancillary skills required in modern medicine.

- Close association of the staff made possible in a compact setting. This is deemed important by medical specialists in view of the teamwork that is becoming the hallmark of modern medicine.

To sum it up in the words of one expert: "We have more knowledge today than we know how to use well. The city offers us the opportunity to use it."<sup>9</sup>

Given the critical health situation in Newark and provided that the nonmedical issues of the controversy are settled, there are great potential advantages to the community in the College's coming to Newark.

Most important, the College could take over the City Hospital and revitalize and modernize it so it might be able to meet the health needs of the community it is designed to serve.

In addition, the College would bring new medical resources to a community that faces a critical shortage of doctors. Newark today has one doctor for every 757 residents. It has lost 180 doctors since 1955.<sup>10</sup>

Located in the midst of the Negro community, the College also would be a spur to Negroes to enter the medical profession. Although Newark's population is estimated to be 52% Negro, only one in every 15 doctors in Newark is a Negro.<sup>11</sup> One problem in attracting more Negro doctors to Newark is inadequate opportunity for advancement on hospital staffs.<sup>12</sup>

The presence of the medical school might also make Newark more attractive to the medical profession in general. The possibility of learning new techniques and working with new equipment may bring back some suburban doctors, many of whom have left Newark to follow their paying patients.

The prospects of research and experimentation, better methodology and equipment applied to the area of "community medicine" would yield dividends to the health of the general Newark population, and jobs would become available to meet both the needs of construction of the medical school facilities and of services needed after those facilities had been completed.



## Growth and Problems of the Spanish-Speaking Community

The Commission has heard testimony, and its staff has conducted interviews, that reflect an increasingly urgent need for services and programs to deal with the special problems facing the growing Spanish-speaking population in our cities. Unfortunately, limitations of time and resources precluded detailed investigation of these issues. Such a study should be undertaken as soon as possible.

In Newark alone, the Spanish-speaking population is estimated to number at least 40,000—approximately 10% of the city's total population. In many ways these people, the majority of whom are Puerto Ricans, share the problems of the ghetto with the Negro community. But in many other ways the issues that face them are different and the obstacles impeding their access to opportunity more complex.

The most obvious special problem faced by Spanish-speaking people, and particularly the poor, is the language barrier. In addition, their different cultural background makes adaptation to the culture of our Northern cities even more difficult than it is for the in-migrant from the South.

Among the suggestions made to the Commission, we were impressed by the idea of guided study halls for Spanish-speaking pupils. These youngsters have difficulty understanding their teachers, and can get little or no help at home from their Spanish-speaking parents, friends and relatives. Unless helped, they are bound to drop out of school. The study halls would be staffed by bilingual tutoring personnel, who would assist the youngsters with their homework or any other study connected with their schoolwork. The

study halls could also serve as community centers, where adults could attend **English**-language classes or other relevant courses; where recreational facilities geared to the Spanish-speaking population could be located; and where a variety of community services to this population might be headquartered.

All municipal, county and State agencies in areas with substantial numbers of Spanish-speaking inhabitants should employ an adequate number of bilingual staff to communicate with, and serve, the Spanish-speaking population. This applies particularly to providing services that are critical to this population and where effective communication is crucial to performance: the schools, police, the courts, housing and welfare agencies, antipoverty offices, hospitals and City Hall itself.

The number of bilingual teachers in cities with large Spanish-speaking pupil bodies should be increased as soon as possible. Spanish-speaking teacher aides and tutors, recruited from the community, should fill the gap while teachers are sought. The aides should supplement service to these children even after additional professional staff is obtained.

These suggestions appear reasonable to the Commission even after cursory study of the problems facing the Spanish-speaking people in our State.

To appraise these problems in depth, and to develop specific recommendations, the Governor should appoint a special group of qualified citizens whose expertise ranges across the spectrum of these problems and among whom the Spanish-speaking population should be adequately represented.

The rising needs of Spanish-speaking people are being neglected as we grapple with the more massive pressures from the Negro population. It is to the end of attending to the special problems of the Spanish-speaking people, even as we move full speed ahead on quantitatively larger issues, that we propose the prompt appointment of a special body.