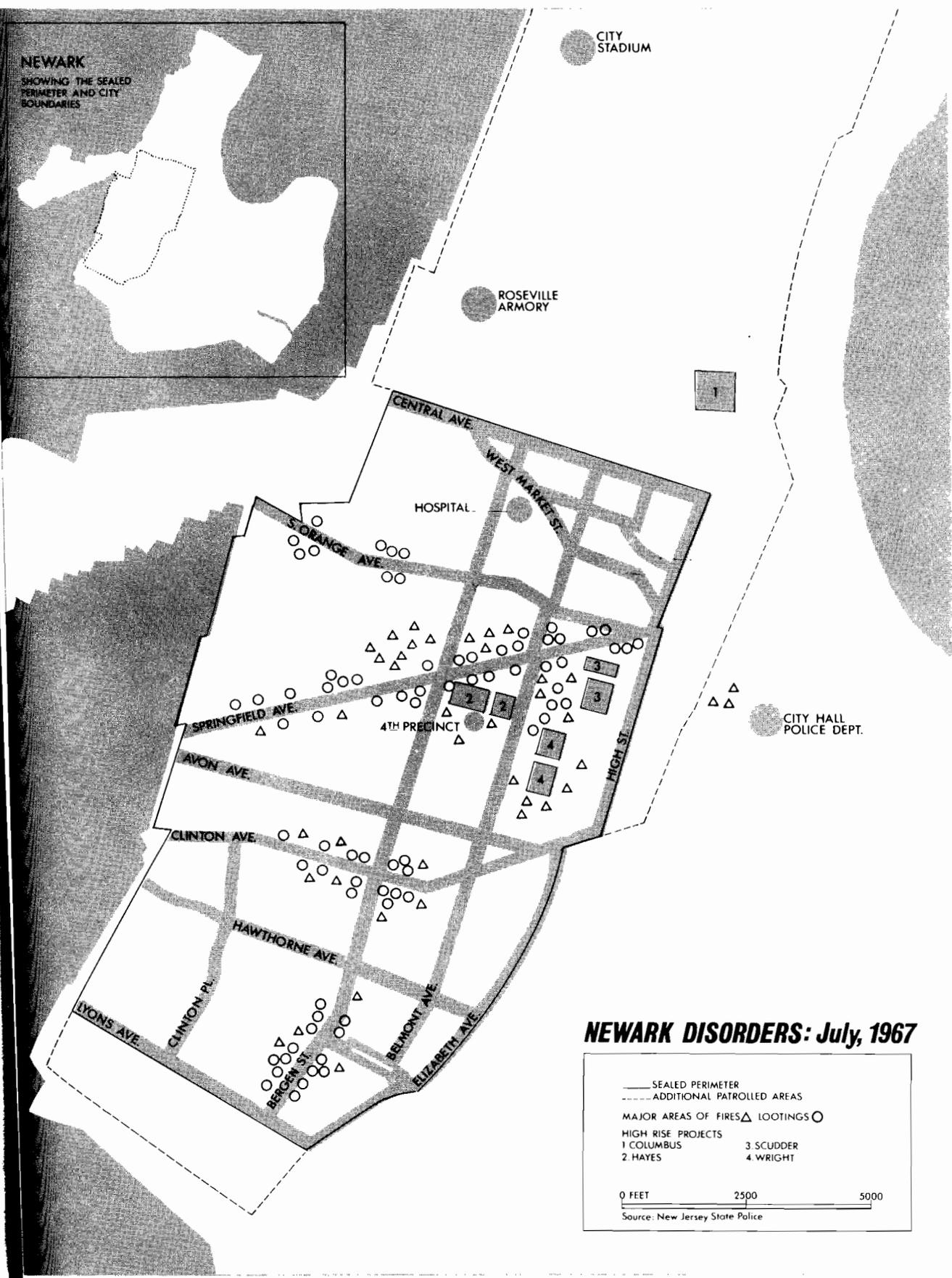


**NEWARK**

SHOWING THE SEALED PERIMETER AND CITY BOUNDARIES



# II. The Disorders

# Newark

## 1. CHRONOLOGICAL REVIEW

### PRELUDE

The outbreak of the Newark riots followed the arrest of a Negro cab driver named John W. Smith on Wednesday night, July 12, 1967. But neither the arrest of Mr. Smith nor any other single factor could explain the events that followed. There is no full or logical explanation for mass violence such as Newark experienced last summer. However, there is evidence of deteriorating conditions in the ghetto; of increasing awareness of and frustration with these conditions among its residents; of the emergence of outspoken groups that focused these feelings; and of miscalculations, insensitive or inadequate responses by established authority.

Mayor Hugh J. Addonizio told the Commission:

"It's not so hard to understand. The material was there in the form of problems in housing, education and the effects of generations of neglect and bigotry. The atmosphere was right, because of mistakes, because of misunderstandings, and because of the insanity of a few misguided fools who believe riots are a healthy exercise for America."<sup>1</sup>

As the summer of 1967 approached there was a gradual deterioration of relations between the Negro community and City Hall following a series of controversies and incidents that have been described in detail in earlier sections of this report: the arrest of picketers during the Clinton Hill Meat Market protest in early April; the medical school controversy; and the Parker-Callaghan dispute.

Testimony before the Commission supplies ample evidence that significant elements in the Negro Community felt that, in the controversy over the location of the medical school and in offering the key education job in the Newark School System to Councilman James T. Callaghan rather than to Budget Director Wilbur Parker, the City Administration had ignored the interests of the Negro community and the recommendations of many Negro spokesmen. Assemblyman George Richardson testified:

"When people lost faith in these legitimate efforts, I think the culmination of the defeats is what brought about the riots we had in the city."<sup>2</sup>

There is no evidence, in the face of these rising tensions, of any significant action by the City Administration or other established authorities to moderate or deal with them in a positive manner.

At the same time, the Administration did not engage in meaningful discussions with outspoken Negro leaders.

The rising tensions were reflected in the growing hostility between Negro citizens and the police that had developed over a period of several years.<sup>3</sup>

On July 8, a fight between 15 Negroes and the East Orange and Newark police on the Newark/East Orange border further heated emotions. Four nights later, when Mr. Smith was dragged by Newark police out of a police car into the Fourth Precinct, with inhabitants of the almost all-Negro Hayes Homes as eyewitnesses, the riot began.

### WEDNESDAY NIGHT

The events surrounding Mr. Smith's arrest were the subject of litigation when the Commission heard the parties to the incident. Therefore, it was agreed that these witnesses would relate their stories and not be questioned by Commission members or staff.

The Commission heard the testimony of the arresting policemen, Patrolmen John DeSimone and Vito Pontrelli, and of the taxi driver, Mr. Smith. The conflicts in this testimony are glaring and they were not resolved by the Commission. Here is the summary of the two patrolmen's account:

Patrolman Pontrelli testified that he and Patrolman DeSimone were on routine patrol duty at dusk on July 12 when Mr. DeSimone observed a Safety Company taxi close in behind the patrol car, which was traveling west on 15th Avenue. Alternatively breaking and accelerating, with its high beam flicking on and off, Patrolman Pontrelli said, the cab tailgated the patrol car for almost a block. Then the cab "shot around us at the intersection of 15th Avenue and South Seventh Street and went approximately one block on the wrong side of the street up to about South Eighth Street and 15th Avenue."<sup>4</sup>

The two policemen pursued the cab to South Ninth Street, where they stopped it. They reported that, when the driver was asked for his license and registration certificate, he answered with insults and curses. When Mr. DeSimone told the driver he was going to arrest him, Mr. Smith responded by opening his car door, striking Mr. DeSimone in the chest and then punching him in the face. Mr. Pontrelli came to his colleague's aid and, after a struggle, Mr. Smith was subdued and placed in the patrol car.

After calling another patrol car to tow the taxi, Patrol Car 42 started for the Fourth Precinct. En route, the two policemen said, the prisoner became violent, fought with Mr. DeSimone, and struck Mr. Pontrelli, who was driving. Consequently, Mr. Pontrelli said:

"I put on my red light and siren because I figured if it is going to go on like this I better get down to the precinct fast. They (Mr. Smith and Mr. DeSimone) were fighting almost all the way down from South 10th Street down to the precinct." <sup>5</sup>

At the precinct, the two policemen testified, Mr. Smith refused to leave the car and when they pulled him out he refused to walk. Each policeman then took an arm of Mr. Smith and began dragging him across the street. They were met in the middle of the street by a patrolman who took Mr. Smith's feet and the three carried him to the precinct. Just before entering the building, Patrolman Pontrelli said, Mr. Smith again became violent.

Patrolman Pontrelli said that four or five persons witnessed these events. He heard people shout, "Take the handcuffs off him, stop beating him." The policeman pointed out that Mr. Smith was not handcuffed because "we had all we could do to get him into the radio car at the scene of the arrest."<sup>6</sup>

According to the Police Department arrest sheet, Mr. Smith was booked at 9:30 P.M. and charged with assault and battery, resisting arrest, and the use of loud and offensive language.<sup>7</sup> Later that night he was taken from his cell to Beth Israel Hospital. At 11:30 A.M. the following day, he was presented with traffic citations for driving with a revoked license, following another vehicle too closely and failure to drive on the right half of the roadway. Later, bail was set at \$1,000 on an assault and battery charge, and at \$250 for driving without a license. At 7 P.M. Thursday, he was paroled in the custody of his lawyer, John Love of Newark.

Mr. Smith offered this testimony:

He had picked up a woman passenger near City Hospital sometime between 9:30 and 11:30 P.M. Wednesday. His encounter with the two patrolmen came after he turned right at the corner of 15th Avenue and Sixth Street. He said a police car was double parked at the corner of South Seventh Street and 15th Avenue. Mr. Smith said he gave a signal and passed, but then was immediately pulled over to the side.

One of the policemen in the car asked for Mr. Smith's license and registration. When the cab driver asked, "What happened?" he was told that he had "popped an intersection" (passing at the intersection going west in the eastbound lane). Mr. Smith said he replied, "I don't see how because you were double parked and I thought you were working and I just made a normal pass." Because he felt the policemen were "trying to play games" with him, he added, "Go ahead and do what you want to do."

At that point, according to the taxi driver, the questioning policemen, "evidently . . . incensed, jumped out of the police car and snatched the door open and told me to get out because I was under arrest." The passenger "was insulted" by the policeman and told to leave the car. Mr. Smith was placed in the back of the patrol car and another car was called to pick up the cab. When the other car arrived, the first car proceeded to the Fourth Precinct.

On the way to the precinct, Mr. Smith stated, one of the policemen sitting in the front seat turned around and began to punch him. The policeman who was driving told his companion to stop. Mr. Smith quoted him as saying, "No, no, this baby is mine."

As the result of a particularly painful blow in the groin, Mr. Smith said, he was unable to walk out of the car to the police station. He said he was dragged out of the car and down the street until the citizens who were observing protested. "After this outburst from the citizens," he said he was carried into the station.

Once in the station he was taken into a room by the arresting policemen, who, according to Mr. Smith, were joined by seven or eight others, all of whom began kicking and beating him "for a lengthy period of time." He said he was dragged to a cell and the beating was continued. He said that a policeman threw water from a toilet bowl over him, and another—one of the arresting policemen—struck him in the head with a gun butt and in the right side with a blunt instrument.

Finally, Mr. Smith stated, the cell was locked and he was left alone. A little later a group of citizens asked to see him, and, after talking with him about his injuries, requested that he go to the hospital. Doctors at Beth Israel Hospital, according to Mr. Smith, discovered that his ribs were caved in and that he had suffered other internal injuries. After being taped up, he was taken to the stationhouse downtown.<sup>8</sup>

Soon after Mr. Smith was arrested and taken into the Fourth Precinct, rumors began to circulate that he had been beaten to death. There is no evidence indicating where the rumors might have begun, although Patrolman Pontrelli stated he thought they were being spread by "other cab drivers."<sup>9</sup> Because the Hayes project is so densely populated and because Mr. Smith's transfer from the patrol car to the precinct was witnessed by several people, it would not require much for this rumor to begin circulating and to spread widely.

At any rate, the rumor spread rapidly. The police report listed the time of the Smith arrest as 9:30 P.M. According to Inspector Kenneth C. Melchior, who was in charge of the precinct at that time, Mr. Smith could not have been taken into the precinct before 9:50 P.M. Within 15 minutes several civil rights leaders arrived on the scene. Robert Curvin learned of the Smith incident in a telephone call from a woman who, he said, was living in the Hayes project area. She had called CORE to ask for assistance.

When Mr. Curvin arrived at the precinct, more than 35 people had gathered in front of the building, and the crowd was growing rapidly.<sup>10</sup> People were coming out from the Hayes project across the street. Mr. Curvin decided a lawyer should be called and someone was dispatched to telephone Joe Barry of Newark Legal Services.

When Inspector Melchior arrived, he met Mr. Curvin and two unidentified women who said they represented Area Boards 2 and 3 of the United Community Corporation.

Lieut. Price of the Fourth Precinct gave Inspector Melchior the report of the two policemen who had arrested Mr. Smith.

Inspector Melchior went over the reports and discussed them with the arresting policemen. In the report, it said that Mr. DeSimone's trousers had been torn but Inspector Melchior testified that he failed to find any evidence of this. He told Patrolman DeSimone to correct the report.<sup>11</sup> Inspector Melchior said the report was signed, although not necessarily typed, by Patrolman DeSimone.

While the inspector was going over the reports, the civil rights leaders and others moved in and out of the precinct house. Mr. Curvin said one of the arresting policemen came out and walked to his car parked in the driveway of the gas station adjacent to the precinct. The crowd moved toward the policeman, as, according to Mr. Curvin, one of the Negro representatives proceeded to ask the patrolman what had happened. The patrolman answered, "He (Mr. Smith) punched me in the mouth," or something to that effect."<sup>12</sup> According to Mr. Curvin, the reaction was

“. . . kind of an outburst of disgust and people were saying, 'Oh bull' and 'You are crazy' and stuff like that."<sup>13</sup>

The mood of the crowd outside the precinct was growing increasingly tense.<sup>14</sup> As the word of the Smith incident spread, more people gathered at the windows of the Hayes project and along the sidewalks, facing the precinct. Some began talking of entering the precinct. They were being exhorted by Mrs. Esta Williams, who was described as active in the Hayes Homes Tenants League and highly respected as a community leader.<sup>15</sup> Mr. Curvin quoted her as saying to the crowd, "Don't wait to go in now. My husband was beaten in that precinct about two years ago . . . . If we had gone in when they took him in, it never would have happened."<sup>16</sup>

With that, the group started toward the precinct. When they reached the door, they were met by a number of policemen and were told they could not all enter. About 12 persons finally went in. This was after 10 P.M., and there were about 75 persons outside the precinct.

Having informed himself of the circumstances concerning Mr. Smith, Inspector Melchior returned to the Negro group in the precinct (Mr. Curvin and others) to discuss the situation further. He said that Mr. Curvin did most of the talking. The group said they were there to protest the abuse of Mr. Smith and wanted to see the prisoner.<sup>17</sup>

Inspector Melchior agreed to allow a committee of four to see Mr. Smith in his cell at about 10:15. Mr. Curvin observed Mr. Smith "lying on the bench with his eyes closed and his feet up," and appearing to be in pain.<sup>18</sup> Timothy Still, president of the board of the United Community Corporation, said he was told that Mr. Smith had been paralyzed.<sup>19</sup>

Thereafter, the group asked Inspector Melchior why the prisoner had not been allowed to see a doctor. Inspector Melchior said they told him that Mr. Smith had been "badly injured in the side, that he was in great agony and pain, and needed immediate hospitalization. . . ." <sup>20</sup> The Inspector said the Negro group asked him to go see what was wrong with Mr. Smith.

Inspector Melchior then dispatched Lieut. Price to see the prisoner. He returned from the cell block and informed the inspector that the prisoner was injured in the side and in need of hospitalization. Inspector Melchior then gave instruction to send the prisoner to the hospital.<sup>21</sup> Mr. Smith was taken out through the rear door of the precinct, put into a patrol car and driven to Beth Israel Hospital. He was accompanied by James Walker, one of the Negro representatives in the precinct and an official in a Newark manpower development program.<sup>22</sup> At this time, Mr. Still, Don Wendell, acting executive director of the United Community Corporation, and Oliver Lofton, the director of Newark's Legal Services Project, arrived.

Inspector Melchior said the crowd outside the precinct, which by now numbered 250, was told that Mr. Smith was going to City Hospital, when in fact, he was being taken to Beth Israel. The mistake was inadvertent, Inspector Melchior said, since he had automatically assumed City Hospital was Mr. Smith's destination.<sup>23</sup>

A number of people followed the patrol car to the hospital because, in Mr. Curvin's words, ". . . frankly no one trusted the police enough to take someone to the hospital even in a situation like that."<sup>24</sup> Mr. Curvin also thought the prisoner's transfer to the hospital might have intensified the suspicion that he had been beaten by the police.

A review of the hospital records indicates that Mr. Smith suffered "hematoma on L-accipital-parietal region skull" and "a fracture of the right ninth rib in the axillary line with slight displacement at the fracture site."<sup>25</sup>

At the time of Mr. Smith's removal, a number of people who said they had witnessed his arrival at the precinct were brought in to speak to Inspector Melchior. According to Mr. Curvin, one woman said,

"We don't want to talk about Smith; we want to talk about what we see here happening every day, time and time again. . . . If we are not going to do anything about what we can see from our windows happening in this neighborhood every day, what the hell is it?"<sup>26</sup>

As soon as the car carrying Mr. Smith to the hospital had left the area, Inspector Melchior instructed his officers to disperse the crowd so that normal traffic could be restored. Some 10 to 12 policemen were used. They wore regular uniforms and did not carry nightsticks.<sup>27</sup>

Soon after the crowd was partly dispersed, Inspector Melchior went back into the building, where he was greeted by about 25 to 30 persons. He invited the group into a larger room. Three or four policemen accompanied him, but when the group objected to their presence he asked them to leave.<sup>28</sup>

Meanwhile, a meeting was held off on one side of the room. Among others, it included Messrs. Lofton, Still, Wendell, Curvin and Walker. They decided to encourage the crowd to go home and to return the next morning for a meeting at City Hall and a demonstration. Mr. Curvin disagreed with this decision, because he sensed that

". . . the crowd wasn't prepared to go home and that there needed to be more concern about doing something with them that was constructive and allow them to express their dissatisfaction with what happened."<sup>29</sup>

Mr. Wendell said that while this meeting was going on ". . . things got very heated outside and Still and Curvin went outside to try and talk to the crowd."<sup>30</sup> Both spoke without bullhorns. Mr. Still recalled that he "urged the people to go home," but was interrupted when fire bombs were thrown at the precinct.<sup>31</sup> According to the Police Department's report on the disorders dated Aug. 21, an unidentified person threw a Molotov cocktail against the precinct wall between 11:30 P.M. and midnight as the speakers were addressing the crowd. This is the first recorded use of Molotov cocktails in the disorders. Police Director Dominick Spina testified that instructions on how to make Molotov cocktails were described in a leaflet that had been distributed in the community in 1966, but that he could not link the leaflets to any specific organization.<sup>32</sup>

The meeting between Inspector Melchior and the Negro representatives was still in progress when, according to the inspector, a cry came from another part of the building that "the kitchen is on fire."<sup>33</sup> The meeting broke up abruptly and everyone rushed outside.

Inspector Melchior ordered the policemen out of the building under the command of Sergeant Popek, and he also ordered them to determine the extent of damage and to set up a line around the building. Mr. Still said the policemen were wearing hel-

mets and carrying night sticks.<sup>34</sup> When the police encircled the building, according to Inspector Melchior, there was no dialogue between the policemen and the crowd.<sup>35</sup> Mr. Still said there was no physical contact between the policemen and the crowd, but that there was an exchange of "racial epithets."<sup>36</sup>

A fire then broke out in an abandoned car located across the street in the Hayes project. The Fire Department was summoned and three or four policemen were dispatched to the area. After the fire had been put out, policemen and firemen were stoned as they left the area.<sup>37</sup>

After the explosion of the Molotov cocktail, which occurred at about the same time, the Negro representatives asked Inspector Melchior for 20 minutes in which to try to calm the crowd. Mr. Wendell testified:

"Then we asked the inspector, and I am paraphrasing because I am shortening it, to give us an opportunity to talk to the people. He asked us, would we guarantee that we could disperse the crowd? Nobody could guarantee that, and that crowd was in no mood for that. We told him no, we couldn't. We would attempt to channelize this energy, get them down to City Hall, an all-night vigil. That was to get them out of the area."<sup>38</sup>

Inspector Melchior agreed to give them 15 minutes and gave his bullhorn to Mr. Curvin.

The inspector said he remembered Mr. Curvin as saying something like "'We have got to start a demonstration to show the Police Department that we mean business; that they can't do this type of thing'."<sup>39</sup> Inspector Melchior did not listen to the rest of the remarks by Mr. Curvin or Mr. Still, who also addressed the crowd. He returned to the precinct, where he sought to contact Director Spina and Deputy Chief John Redden.

Negro speakers said they tried to move the crowd out of the area by having them march to City Hall. Some started to get in line and walk, with Messrs. Still, Curvin and Lofton at the head of the column. Mr. Wendell testified:

"We were moving away from the station and people were cheering and they began to sing, 'We Shall Not Be Moved.' They were in fact moving, and the police could see this out the window. Maybe they were 20 abreast."<sup>40</sup>

At this point, Mr. Wendell continued:

"The police came out, and the crowd said, 'Here they come. You can't trust them. They lied to us.' This is when the first stones began to be thrown."<sup>41</sup>

According to Inspector Melchior, at about 12:15 A.M. "a real barrage of all types missiles hit into the street and against the building."<sup>42</sup> Then 20 to 25 policemen charged out the front door of the precinct. Inspector Melchior stated:

"I did call out, 'Get out there,' words to that effect, but I don't think under these circumstances that anybody would have had to wait for that order because they were not under direct orders not to leave the building."<sup>43</sup>

Inspector Melchior explained that, after he agreed to remove the police for 15 minutes, he merely told the men to "re-enter the building and remain there until further happenings."<sup>44</sup> He said that when the police came out it was after the 15-minute truce that had been agreed upon. Mr. Still said, however, that only seven or eight minutes had elapsed.<sup>45</sup>

As the police came out the second time, the group of marchers broke up and scattered in all directions. Inspector Melchior said the policemen ignored the older people,

who were mainly residents of the Hayes area, but sought to disperse the younger people. He added:

"Groups of young teenagers would keep re-forming and would throw missiles sporadically. Almost during the entire course of the rest of the evening there were missiles being thrown in and toward the buildings or toward any groups of officers."<sup>46</sup>

At approximately 12:20 A.M. on Thursday, Deputy Chief Redden arrived at the precinct, as did additional patrolmen, bringing the total manpower to about 50. Mr. Redden divided the men into four squads, putting a superior officer in charge of each. He was about to send them outside when Director Spina entered through the rear door of the precinct and countermanded the order. About 15 minutes later, Mr. Spina ordered the men outside.

The police, equipped with helmets and nightsticks, patrolled the Hayes area in groups. Inspector Melchior said that they were continually harassed by missiles, which "seemed to be thrown by young teenagers who would rapidly form a group, approach, throw two or three objects and run at the approach of a police officer."<sup>47</sup>

The dispersal of the marchers and of the crowd around the precinct, however, did not end the events of the evening. The next phase was looting.

Mr. Curvin testified that looting began "immediately after the crowd dispersed."<sup>48</sup> Mr. Still reported watching the looting of a liquor store. "Originally only the most aggressive, the boldest of guys would go in," he said, but soon others joined them.<sup>49</sup> He added:

"The radio cars were going back and forth and they saw them in there. They saw them in there getting the whisky. They just kept going. They didn't try to stop. As a result of that, all the people saw that the cops didn't care, so they went in, too."<sup>50</sup>

Mr. Still added:

"I think if the cops had moved in and did something they may have been stoned but I think this would have been the proper thing to do. A lot of stuff could have been avoided at this point."<sup>51</sup>

Meanwhile, a caravan of perhaps 25 taxis traveled from the Fourth Precinct to City Hall. There, they parked and double parked the length of the block. Deputy Chief Redden followed them from the precinct and met with the drivers at City Hall, where he told them it was a bad time to protest since city officials were not present.

As to the police action, Deputy Chief Redden said:

"I established heavy motor patrols on Broad Street. I left a couple of plainclothes teams, one north and one south of the City Hall, to report to me what was going on and all the extra policemen I had I sent over to the First Precinct and held in reserve to see what would develop. Fortunately the people drifted off or went to their homes."<sup>52</sup>

Word of the disturbance spread rapidly. Donald Malafronte, administrative assistant to Mayor Addonizio, had just returned from vacation on July 12 when, at 2 A.M. Thursday, he received a telephone call from a newsman who said, "I understand Newark is in flames. What can you tell me about that?"<sup>53</sup> Mr. Malafronte looked out his window and saw nothing amiss, and promised to call the reporter back. He then called Deputy Mayor Paul Reilly, who also was unaware of trouble. About 30 minutes later, however, Mr. Reilly called back with a report of what had happened at the Fourth Precinct.

By 4 A.M. Newark's streets were quiet. Police report showed that damage to the Fourth Precinct was estimated at \$2,500 for the destruction of 102 windows, screens and

doors and for miscellaneous damage. Seven men had been arrested for idling and malicious damage, five for looting, one for loud and abusive language, nine for possession of stolen property, and three for breaking and entering—a total of 25 arrests.<sup>54</sup>

Following the night's events, Deputy Chief Redden testified, he gave special orders:

"About 5 o'clock in the morning I decided that everybody in my command was going on 12-hour tours of duty. I had been told up at the Fourth Precinct by a police officer that Curvin had promised to be back in front of the Fourth Precinct the next night, that is the night of the 13th, to organize a demonstration. I just felt from the tone of what happened, what had gone on all summer at the meetings of the Board of Education and the Planning Board, the incident at the East Orange line, I was almost certain there was going to be a large-scale disturbance the evening of the 13th."<sup>55</sup>

Mr. Wendell reported talking to Director Spina on the steps of the Fourth Precinct at about the same time. He quoted Mr. Spina as saying:

"The situation is normal. Put the windows in early in the morning; get the place cleaned up. Just return it to normal and don't treat it as a situation, because once you begin to look at problems as problems they become problems."<sup>56</sup>

## THURSDAY

The City Administration attempted to project an image of a return to normal when the new day dawned.<sup>57</sup>

No crowds were moving about; merchants opened for business; windows were being repaired. Mr. Malafronte called the events of Wednesday night "the most serious incident Newark ever had,"<sup>58</sup> but of Thursday he said, "Well, of course, it was a tense day, but the tensest people around were the newspapermen and television men." <sup>59</sup> City Hall tried to look upon the previous night's events at the Fourth Precinct as "isolated" incidents and hoped nothing more serious would erupt.<sup>60</sup>

Mr. Curvin disagreed:

"To say it was an isolated incident I think was the most tragic mistake that was made following Wednesday night. In fact, one of the reasons that I felt just so terribly frustrated on Thursday afternoon when I went to that meeting was to hear the Mayor speak as though it was all over . . ."<sup>61</sup>

Mr. Curvin was referring to one of two meetings that were held in the Mayor's office on Thursday afternoon. The first was a previously scheduled meeting of a summer task force selected by James Threatt. The group was to discuss summer jobs for young people. The meeting was "long" and "inconclusive."<sup>62</sup>

At the second meeting, those who met with the Mayor were Duke Moore, a board member of the UCC, Mr. Curvin, Earl Harris, a former Republican Freeholder; Harry Wheeler, a Newark teacher and State Assemblyman George Richardson.

Mr. Malafronte testified that the group made three demands on the Mayor:

". . . that the two patrolmen involved in the arrest of cab driver Smith be suspended; that a blue ribbon panel of some sort investigate the Wednesday disorder at the Fourth Precinct outside of the normal investigations procedures; and, third, that a Negro police lieutenant who was fifth on the Civil Service list be promoted to captain as quickly as possible."<sup>63</sup>

According to Mr. Harris, the Mayor wanted 48 hours to consider these requests.<sup>64</sup>

Mr. Malafronte said the Administration accepted these demands: that the policemen were not suspended, but were instead transferred to administrative duties—a normal procedure since 1965 for men against whom complaints had been lodged; that five lieutenants were promoted, including the Negro who ranked fifth on the Civil Service list; and that the Mayor agreed to appoint a panel to conduct an investigation.<sup>65</sup>

Director Spina testified that he met with Mr. Richardson, Mr. Wheeler and other civil rights leaders Thursday morning in an effort to map a campaign for easing tensions. The Police Director said the Mayor had tried to do the same thing, but "didn't get the kind of people that could reach into the city."<sup>66</sup>

In the late afternoon of Thursday, city officials learned that leaflets were being distributed around the Fourth Precinct. The leaflets said in handblocked letters:

STOP! POLICE BRUTALITY

Come out and join

us at the mass rally

TONIGHT, 7:30 P.M. FOURTH PRECINCT<sup>67</sup>

City officials believe that the UCC's Area Board 2 had authorized production of the leaflets and, with Newark Community Union Project (NCUP) officials, were responsible for the distribution. The City's first reaction to the leaflet was "shock, fear, and concern."<sup>68</sup>

In response to the leaflets, Mr. Threatt was asked to attend the rally to "monitor it" and to convey to those present the outcome of the meetings in the Mayor's office.<sup>69</sup>

At about 4:45 P.M., Director Spina ordered 500 policemen to be available. In addition, provisions were made for emergency recall of off-duty men, for extension of tours of duty and for detectives to be in uniform during that night.<sup>70</sup>

After coming on duty at 5 P.M., Inspector Melchior attended a briefing by Deputy Chief Redden. Inspector Melchior said:

"We were told at that time not to irritate the people; we don't want to inflame them; a minimum of police officers on the scene; they were not to wear helmets and not to carry night sticks. At this time we didn't want to arouse or inflame anybody. The demonstration could be kept peaceful, and not to take any action unless it was absolutely necessary."<sup>71</sup>

At approximately 4:30 P.M., Director Spina said, a television camera crew arrived at 17th and Belmont Avenues, and "immediately this attracted a crowd."<sup>72</sup> Within an hour, he said, there were five more television crews in the area. Mr. Spina estimated that by then a crowd had congregated around the TV cameras. He said of the television reporters:

"I blame them a great deal for some of the things that happened."<sup>73</sup>

Subsequently, this crowd dispersed on its own. Inspector Melchior reported that, when he approached the Fourth Precinct at 6:45 P.M., there were no crowds and no representatives of the news media, only a group of about 10 persons who had formed a picket line in front of the building.<sup>74</sup> The line gradually grew larger. Among those picketing were Jesse Allen, Derek Winans, James Kennedy of Area Board 2, and Melvin Higgins of NCUP and Area Board 3.75

By 7:30 P.M., Inspector Melchior estimated, 300 people stood across the street from the precinct, watching the growing picket line.<sup>76</sup> While policemen entered and left the precinct on regular business, there were no police stationed outside the building.

Mr. Threatt arrived between 7 and 7:30 P.M. to announce to the crowd that a Negro police officer was being promoted to captain. Shortly after Mr. Threatt had spoken, at about 8 o'clock a heavy barrage of rocks, stones, bottles, and pieces of wood and metal hit the front of the precinct, breaking several windows. The missiles were not thrown by the picketers, but by the people in the crowd across the street from the precinct, and the picketers fled to escape the barrage.<sup>77</sup> A film<sup>78</sup> shows a woman with a long pole breaking windows in the basement of the precinct.

Inspector Melchior talked to Deputy Chief Redden and received permission to send his men out, equipped with helmets and night sticks. Thus, after the barrage had gone on for about 15 minutes, 16 to 20 policemen went out through the back door of the precinct, another 24 to 30 through the front entrance. This caused the crowd to flee.<sup>79</sup>

Inspector Melchior testified:

"Again, as the night before, these missiles came from all directions. During the rest of the course of the night, until the action left the Fourth Precinct area, groups of 30 to 50 young teenagers would approach in almost military formation, unleash a barrage of missiles and disperse at the approach of police officers."<sup>80</sup>

Sometime before 9 o'clock, Mayor Addonizio and Mr. Malafronte arrived at Police Headquarters. At about the same time, Deputy Chief Redden went to the Fourth Precinct, followed shortly by Director Spina.

Mr. Spina and Mr. Redden ordered the policemen who were still outside back into the Fourth Precinct. The precinct then received a radio report that a tavern window had been broken at 17th and Belmont Avenues. A patrol car en route to the site was told to disregard the incident, according to Inspector Melchior, since "sending a car in there unprotected might lead to difficulties."<sup>81</sup>

Between 8:30 and 9 o'clock, the policemen at the precinct were sent out, one squad at a time, and directed to specific areas to disperse the crowds. Reserves were arriving; as more men arrived, they were put under the command of superiors as rapidly as possible and sent out in groups to patrol the area.<sup>82</sup> The police sought to establish a "secure working area" around the precinct.<sup>83</sup> Men were also ordered onto the roofs of buildings, to secure these areas and to observe the crowds.

Inspector Melchior said:

"As the perimeter of the building began to quiet down and we had the men more established, and the reports were getting worse about Springfield Avenue, I began to send vehicles available with men, four or five in a car, out to the Springfield Avenue area. Gradually, the groups of missile throwers left the vicinity of the Fourth Precinct, and we returned to relative quiet."<sup>84</sup>

Thus, while the Fourth Precinct area had become relatively peaceful by midnight, the disorders spread to other areas.

Looting and vandalism along Springfield Avenue became intense after 9 o'clock. At first, the police pursued a policy of containment, "chasing and keeping the crowds from becoming very large."<sup>85</sup> The first "area of containment" was from Springfield Avenue to High Street and South 10th. It was extended to Central Avenue and Elizabeth and Clinton Avenues.<sup>86</sup>

About midnight, there was a short period of relative quiet. Mayor Addonizio said of this period: "We felt the situation was pretty well in hand."<sup>87</sup> Director Spina said that by 12:30 A.M. on Friday "it appeared to me . . . that perhaps we had won and that the violence was all over."<sup>88</sup>

Shortly after 12:30 A.M. there was a sudden sharp increase of incidents outside the containment area, far out in the South Ward on Elizabeth Avenue, in the East and

North Wards. There was also a good deal of activity in the lower West Side. At this time, a Sears Roebuck store was broken into and 24 rifles taken.<sup>89</sup>

Up to the midnight lull, the only word of shooting was an unsubstantiated report that a shot or two had been fired.<sup>90</sup> Immediately after the lull, however, the firing phase began with "sporadic shooting."<sup>91</sup>

The State Police log contains the following entry for the period just after midnight:

"Presently, bands of eight to 15 people traveling on foot and in cars, looting and starting fires. Four policemen injured, four new areas have broken out in the past 15 minutes. There is still no organization within the Newark Police Department. All available transportation in use. The Fourth Precinct appears to be running its own show. There are no barricades. No requests for State Police assistance from Director Spina."<sup>92</sup>

Both Inspector Melchior and Deputy Chief Redden made tours of affected areas after midnight. The Inspector testified that stores on Spruce Street, near the Fourth Precinct, were completely looted. Deputy Chief Redden said he found people had broken into stores and were "in there literally shopping." He found that on Clinton Avenue, from Jelliff Avenue to Osborne Terrace—some seven blocks—"... there was just no effective control whatsoever. Businesses were being ransacked."<sup>94</sup>

At 2:20 A.M. Friday, Mayor Addonizio called Governor Hughes to request State Police and National Guard assistance.

The decision to call came after several hours of discussion, but testimony on precisely when it was reached is not clear.

Mr. Malafronte testified that at about midnight Director Spina arrived at Police Headquarters. He had come from the Fourth Precinct. There he met the Mayor and the possibility of requesting State aid was discussed. Others who participated in this discussion were Deputy Chiefs Redden and Foley, the Chief of Intelligence, Capt. Rocco J. Ferrante, and Mr. Malafronte.<sup>95</sup> According to Mr. Malafronte, the Mayor at that time accepted Director Spina's assessment that no State aid was needed.

Deputy Chief Redden stated that after his first tour of the area at about 9 P.M. he had returned to the precinct and had reported, "We need help."<sup>96</sup> Director Spina contended that Mr. Redden did not take this position until 1:30 A.M.<sup>97</sup> Both agree that at 1:30 A.M., Mr. Spina instructed Mr. Redden to call the State Police. Mr. Spina testified that his instruction to Mr. Redden was to "alert" the State Police under the terms of the mutual assistance plan.<sup>98</sup> Chief Redden, however, said that he called Capt. McElroy of the State Police in Morristown and told him:

"The Director has told me to call you and to have the State Police come in."<sup>99</sup>

Capt. McElroy instructed Deputy Chief Redden to stand by and wait for a call from Trenton. Maj. Eugene Olaff called, and Mr. Redden repeated the message for assistance. About 10 minutes later, Mr. Spina received a telephone call, after which he instructed Mr. Redden to call the State Police again and cancel the initial request, and to ask them to remain on standby.<sup>100</sup>

At about 2 A.M. the Mayor and Director Spina again discussed the situation. The Mayor testified that Mr. Spina believed no aid was needed, but the Mayor finally convinced him that the State Police ought to be called in, and he telephoned the Governor at once.<sup>101</sup>

Director Spina's testimony places this meeting with the Mayor at a later hour. Mr. Spina also said the Mayor took the position at that time that the State Police would not be necessary. Mr. Spina said he had telephoned the Mayor at 2:30 to tell him that State

Police would be needed. According to Mr. Spina, he told the Mayor it would take four hours for the State Police to arrive, and thereupon the Mayor indicated his belief the crowds would disperse at daylight and that the State Police would not be needed. The Police Director said he talked to the Mayor again at 3 A.M. and "strongly" advised that he request the Governor to dispatch the State Police and the National Guard.<sup>102</sup>

Governor Hughes testified that he was awakened at 2:20 A.M. by a telephone call from Mayor Addonizio, ". . . who was quite upset and insisted on the deployment of State Police and National Guardsmen to the maximum extent possible. He told me that a riot was out of control . . ." <sup>103</sup> The Governor's proclamation stated that Mayor Addonizio requested assistance at approximately 2:20 A.M. on July 14, 1967.

The State Police and National Guard had begun preparations even before their assistance was requested.

When the State Police learned of the Smith arrest on Wednesday night, the entire organization went on "stand-by-alert."<sup>104</sup> Colonel Kelly stated:

"At that time, our State Police reporters expected that there would be trouble . . ." <sup>105</sup>

The State Police also received periodic reports from Acting Police Chief Foley. At 8:35 P.M. on Thursday, Mr. Foley told the State Police that he was expecting trouble. That evening, teletype messages to State Police forces were prepared, should a call come.<sup>106</sup>

On Thursday at 10:35 A.M., the State Police had alerted the National Guard.<sup>107</sup> Maj. Gen. James F. Cantwell, commander of the National Guard, remained on call in Sea Girt. By 12:30 A.M. Thursday, the Guard had assembled three colonels, seven drivers, and six personnel carriers at the Roseville Armory.<sup>108</sup>

There were several premature and unofficial calls for aid. At 10:10 P.M. Thursday, Inspector Donnelly of the Newark Police called Trenton and requested State Police assistance. He was advised to notify the Mayor to contact the Governor.<sup>109</sup> Governor Hughes said he had received one or two calls for help from Newark policemen who were "not in authority."<sup>110</sup>

Thus, when Mayor Addonizio's request for assistance to the Governor was made early Friday, the State Police and National Guard Commands were prepared and ready to implement their plans. At 2:30 A.M. Newark officials announced to their local police over the police radio that help was on the way.<sup>111</sup>

## FRIDAY

When Governor Hughes received Mayor Addonizio's call for assistance, he acted immediately. His first call was to Attorney General Arthur J. Sills. State Police records indicate that their forces were activated at 2:39 A.M. on Friday, July 14. The Governor personally ordered the National Guard into action at 2:45 A.M.<sup>112</sup> The Governor then contacted several members of his staff and prepared to proceed to Newark.<sup>113</sup>

At the very moment when State Police forces were activated, Major Olaff called Newark to discuss plans with Director Spina. He advised Mr. Spina that State and Newark police officials should meet at the Roseville Armory and that the State Police would be responsible for the "troubled area."<sup>114</sup> At State Police headquarters, previously prepared teletype messages were sent out to all troops.

While these orders were going out, Colonel Kelly proceeded to Newark. He arrived at about 3 A.M. and immediately went to City Hall to meet with Mayor Addonizio. Colonel Kelly testified:

" . . . I asked him (Mayor Addonizio) what the situation was. He said, 'It is all gone, the whole town is gone.' I asked him where the problem was. He said, 'It is all over.' I asked him if he had any idea of the

instigators or troublemakers or what we should look for. He didn't know."<sup>115</sup>

Colonel Kelly then went to the Roseville Armory. Within the hour, other officials began to arrive. General Cantwell came in at 4:35 A.M. Governor Hughes testified that he arrived in Newark about 4:30 A.M. and went directly to the Armory.<sup>116</sup> Next, Mayor Addonizio and members of his staff arrived, and shortly thereafter Director Spina came to the Armory.

The "planning stage" in the Armory lasted from 4:30 until 9:15 A.M.<sup>117</sup> Shortly before 5 o'clock, Governor Hughes, Colonel Kelly, Mayor Addonizio, Director Spina, Deputy Chief Redden and other officials met to determine how the various law enforcement agencies were going to operate.<sup>118</sup> At this meeting, it was agreed, but with some reservation by General Cantwell, that Colonel Kelly would be the commanding officer over both the State Police and the National Guard, and that Mr. Spina would be in charge of the local police.<sup>119</sup> Mr. Sills testified that "almost all police action was left in the hands of Dave Kelly and almost all policy matters gravitated toward the Governor."<sup>120</sup> General Cantwell testified that State Police-National Guard actions were a "joint operation" and that Colonel Kelly was not in command of the National Guard. However, the general added, "if it came to a difference of opinion or a showdown, we would comply with the request of the State Police."<sup>121</sup>

Newark officials were critical of command operations and command structure. Director Spina testified that in his view conferences between General Cantwell and Colonel Kelly took too long and delayed decisions. This, he said, "is not good operations."<sup>122</sup> Mayor Addonizio felt that, "during the whole course of this thing I was sort of left out of a lot of things that were going on, and this is my city and I have to stay here after all the people pull out."<sup>123</sup> The Governor observed, however, that Mayor Addonizio "almost completely withdrew from any sharing of the direction of this situation."<sup>124</sup>

In the final command system, the Newark Police Department assigned an inspector as liaison man to the command post at the Roseville Armory. Colonel Kelly stated that, although he could not give orders to the Newark Police Department, he could convey his recommendations and requests through the liaison officer.<sup>125</sup>

At about 5:30 A.M., when the first State Troopers—Troop B, with 102 men—arrived, they were assigned to various areas in the city.<sup>126</sup> As the State Police forces grew, they gradually took control of operations in the riot area, and Newark police were able to return to normal duties in the city. State troopers were instructed to remain in their assigned areas, even after they had made arrests. A patrol would remain on the scene, holding persons under arrest until another unit arrived to pick up the arrestees. A photographic record was made at the scene of an arrest.<sup>127</sup>

The National Guard was the last to arrive, since it had to activate reservists in civilian life living in different parts of the state. Some Guard troops were called in from as far as Salem, in southern New Jersey. Yet no part of the state was left without some Guard units, as a precaution against possible trouble. The Guard committed a total of nine battalions—about 4,000 men—to Newark.<sup>128</sup> The first Guard detachments to come in to Newark were quartered at City Stadium.

After the Guard had organized its units, mixed State Police-Guard patrols toured the riot area. Each patrol had four vehicles: one troop car carrying two State policemen and one Guard soldier; a second troop car carrying two more State policemen and a Newark policeman acting as guide; and, traveling between the two troop cars, two jeeps carrying three guardsmen each.<sup>129</sup> Guard troops were also used to pick up persons under arrest, to provide protection for Newark Fire Department operations, and to man some strategic locations.

As joint operations of the three law enforcement elements got under way, the communications problems between State and local police manifested themselves and limited their effectiveness. The State Police, the National Guard and the Newark Police Department operated on different frequencies, and neither City nor State units were equipped to send or receive messages on the frequency assigned to the other. In this period, the Newark police liaison officer stationed at the armory, who had a line to Newark Police Headquarters, was the only source of information about the operations of the local police.<sup>130</sup> Routine matters were not reported. Colonel Kelly testified that the State Police did not get information on the movement of Newark police patrols, or on looting incidents known to the Newark police.<sup>131</sup> Nor did the State Police at that time have knowledge of citizens' calls or complaints since Newark residents placed calls for help with the Newark Police or Fire Departments. The Newark police or firemen responded to these calls, and the State Police were relegated to following the Newark patrols or fire trucks.<sup>132</sup> Colonel Kelly testified:

"What we would have to do is follow them and just observe or stand outside just to protect them."<sup>133</sup>

Another problem for the State Police was its inability during this early phase of its involvement to obtain a clear definition of the riot perimeter, or even a statement of where activity was heaviest.<sup>134</sup> The Newark police could not supply maps of the city.<sup>135</sup> Eventually, Colonel Kelly found some maps and learned from the Newark police that Springfield Avenue was the major problem area. By "trial and error," the State Police mapped out the riot area,<sup>136</sup> and then drew up a patrol sector plan, coordinating with Inspector Daniel Dughi of the Newark Police Department.<sup>137</sup> The plan divided Newark first into six, then into eight, and finally into 12 sectors.<sup>138</sup> Patrols were assigned on the basis of the size of an area, the incidence of gunfire and other relevant factors.<sup>139</sup>

The National Guard also had problems in coordinating with the Newark Police. The National Guard Report on the Newark disorders notes that:

"... the execution of plans was delayed by a reluctance of local authority to recognize the full extent of the difficulty until damage had been done over a wide area and the difficulty encountered in getting intelligence quickly from local authorities already heavily committed. Future planning must emphasize the necessity for local authorities providing supporting forces with prompt intelligence."<sup>140</sup>

Between 8 and 9:30 A.M., top officials toured the riot area. The group was headed by the Governor and included Mayor Addonizio, General Cantwell, Colonel Kelly and Director Spina. They observed the police in action and the arrest of 40 to 50 persons.<sup>141</sup> At 9 o'clock, the Governor ordered the closing of all stores selling weapons.

Acting on the advice of Attorney General Sills, Governor Hughes issued an emergency proclamation under the National Defense Act of New Jersey.<sup>142</sup> The proclamation was drafted on Friday morning and went into effect at once. It was broadcast over the Police and Guard networks at 10:15 A.M. and formally filed with the Secretary of State at 9:34 A.M.<sup>143</sup>

Accompanying the declaration was a set of regulations prohibiting vehicular traffic in Newark between the hours of 10 P.M. and 6 A.M., except for authorized vehicles and traffic using the four major state highways. The regulations also imposed a curfew from 11 P.M. until 6 A.M., prohibited the sale of alcoholic beverages, and the possession of such beverages as well as of narcotics, firearms or explosives.

After some discussions, the riot area was sealed off, since, in Colonel Kelly's view, traffic in the area was obstructing the movements of the police.<sup>144</sup>

By noon on Friday, a plan had been agreed on to place blockades at 137 intersections around the area. The National Guard was placed in charge of the posts. Newark policemen were assigned to 19 posts to assist the State forces in manning checkpoints.<sup>145</sup> A minimum of three guardsmen were assigned to each post. Two guardsmen and one Newark policeman were assigned to each checkpoint. Vehicles were allowed to pass only at checkpoints. Men were stationed at their assigned posts by 2 or 2:30 P.M. Friday. Late Friday afternoon and early Friday evening, most areas were effectively sealed off.<sup>146</sup>

By Friday, the State Police committed almost half its entire force—about 600 men—and the Guard 3,464 men. The Guard reached a total of 5,367 men by Monday.<sup>147</sup>

As looting subsided, weapons fire grew more intense and became a serious problem.<sup>148</sup> Before Friday, only one sniping incident had been reported.<sup>149</sup> However, during Friday reports of sniping began flooding headquarters. Half of the 23 deaths from gunshot wounds that occurred throughout the riot period came between midnight Thursday and midnight Friday.<sup>150</sup>

Law enforcement agencies report that the highest number of shooting incidents occurred on Friday. Most of the firing took place on Springfield Avenue, but some incidents occurred in other areas, such as Clinton and Central Avenues; and at the intersections of Sussex Avenue and Jay Street; Oriental and Broadway; and Orange and Norfolk.<sup>151</sup>

(A discussion of gunfire activity will be found in a subsequent section of this report.)

On Friday, and possibly as late as Saturday, the communications problem resulting from the use of different radio frequencies by different police elements was relieved. State Police radiomen at a central relay point in the city were able to receive transmissions from Newark police radio system and to relay them over the State Police network. In addition, the Newark police, the State police and the National Guard stationed operators side by side at the armory. These men relayed communications from one system to the other.<sup>152</sup>

By Friday afternoon, Colonel Kelly felt that most of the looting activity had been brought under control and that the crowds had been contained.<sup>153</sup> It was on that day that most of the arrests during the entire riot period were made—906 out of a total of 1,465, or 63%. On Thursday night, only 34 persons were arrested, and after Friday the arrest totals trailed off steadily—to 238 on Saturday, 120 on Sunday, 70 on Monday, and into the twenties or fewer on succeeding days.<sup>154</sup>

The Commission heard testimony from witnesses who charged that police used excessive force, without provocation, against members of the Negro community who were innocent of any wrongdoing. Testimony described incidents in which people were fired at, beaten with weapons, kicked or otherwise physically mistreated and subjected to verbal abuse.

Albert Black, chairman of the Newark Human Rights Commission, testified that on Thursday evening, July 13, he observed policemen at the Fourth Precinct handling prisoners roughly and using obscene language. He testified:

"Now Director Spina was at the desk of the precinct and these men were being brought in, many of them handcuffed behind their backs being carried like a sack of meal, and the fifth policeman would be hammering their face and body with a billy stick. This went on time after time. Many times you would see a man being brought into the police station without a mark on his face and when he was taken out, he was brutally beaten up."<sup>155</sup>

Janie Carter testified that on the same day, she was standing on a street corner when some policemen who had been driving up Springfield Avenue got out of their cars. She said:

"They didn't say a thing. They just started beating people with the sticks and some had guns and they were shooting in other directions from where I was. So I started to run across the street, but when I looked back, one grabbed Mrs. Jiminez from the back of her head, pushed her down and started beating her, and the others were beating her."<sup>156</sup>

The Reverend Herbert G. Draesel, an Episcopal priest, testified that on Friday evening, July 14, he was standing on a corner when several police cars drove down the street, stopped in front of the Colonnade Bar and began firing into the bar for no apparent reason. Suddenly, Father Draesel said, the policemen changed their firing from the bar to the group standing on the corner. The witness was not sure whether the police who fired were Newark police or State police. Two men were wounded in this encounter. Father Draesel testified further that later that evening Building 82 of the Christopher Columbus Homes was sprayed with bullets for about one-half hour.<sup>157</sup>

John A. Thomas, a former teacher and presently a Title I project co-ordinator in Newark, testified that he was driving in an automobile on Bergen Street. He was stopped at the intersection of Custer Avenue by several State troopers who dragged him out of his car. His car was searched and he was knocked to the ground by the butt of a carbine or rifle, beaten and subjected to extreme verbal abuse as to his race.<sup>158</sup>

Oliver Bartlett, program director for the James Weldon Johnson Community Center in New York City, testified that on Thursday evening, July 13, while standing on a corner, Newark policemen and State troopers with guns pushed his wife down on the ground. Mr. Bartlett testified:

"Everybody there were people who owned homes and had some sort of responsibility to the law. It seemed this didn't work. They kept on pushing and acting like we were dogs. We had no kind of respect. They can't say, 'Please move'."<sup>159</sup>

Mr. Bartlett testified further that when he took his cousin to the train station, National Guardsmen stopped, searched and harassed him. White people, Mr. Bartlett testified, were not stopped or searched.<sup>160</sup>

Carol Bartlett, the wife of Oliver Bartlett, corroborated her husband's account of the incident and described in detail how a policeman pushed her in the back with a rifle.<sup>161</sup>

The Reverend Dennis A. Westbrooks, a Newark clergyman, testified that on Friday evening a group of policemen at a blockade assaulted him with clubs seeking to prevent him from walking home, and pushing him in the opposite direction.<sup>162</sup>

The Minister also testified that early Saturday morning he was at City Hospital when a group of policemen pushed, shoved and cursed him for refusing to leave.<sup>163</sup>

The Minister testified that the police refused to believe that he was a clergyman and

"that leads me to believe all the more that I think it was simply a matter of color, because he wouldn't believe who I was. I told him it made no difference. There wasn't anything I could do."<sup>164</sup>

Although the extent of the excesses cannot be determined by this Commission, they have left a legacy of bitterness, disenchantment and frustration within the Negro community; and they have demonstrated a lack of respect for the rights of Negro citizens, regardless of whether they were involved in unlawful activity.

## SATURDAY-SUNDAY

On Saturday, July 15, the riot area was sealed off. The perimeter that had been established by State Police, and National Guard forces ringed an area of 14 square miles, which was completely controlled by the police.<sup>165</sup> Patrols spent most of the day clearing roof tops

of debris to prevent it from being showered on passing troopers. During the day, Colonel Kelly said, ". . . our patrols ran into a kind of resistance, a kind of resentment."<sup>166</sup>

Although shooting had diminished after Friday night, six private citizens and Fire Captain Michael Moran were shot and killed on Saturday. Another uniformed officer, Detective Fred Toto, had been shot and killed on Friday.<sup>167</sup>

A group of Negro volunteers received permission from Mayor Addonizio and Governor Hughes to move among the people in an effort to calm the atmosphere. When they arrived, however, they were hampered by the patrols. Governor Hughes told the Commission:

"It was reported to me that they went out on the streets on Saturday and got into so much trouble and were chased around so much by people who suspected them as participating in the riot that they had to abandon their efforts . . ."<sup>168</sup>

When night fell, Colonel Kelly said, burning, looting and sniping again erupted. The major problem during the night was gunfire. This shooting was occurring in new areas, west of South Orange Avenue, Colonel Kelly said.<sup>169</sup> Captain Moran was killed while answering an alarm.<sup>170</sup> Saturday night appeared to Colonel Kelly much like the night before.<sup>171</sup>

In the eyes of the Negro community, however, the character of violence Saturday night was **changing**.<sup>172</sup>

The Commission received many allegations from different sources to the effect that police and National Guard forces shot into Negro businesses, and that much damage was wrought. These stores, even including some not owned by Negroes, had been marked with "Soul" signs to spare them from attack or looting by rioters.

The Commission heard from a number of witnesses who provided detailed evidence on that night's occurrences. A summary of this sworn testimony follows.

*Testimony by Mrs. Enez King:*

Mrs. Enez King and her husband live behind their dry cleaning shop on Avon Avenue. At 3 or 3:30 A.M. on Sunday, the sound of breaking glass awakened them. From their darkened room, they could see State troopers come into the store, where there was some light. Mrs. King said:

"When we heard the glass break, we got up to look out the window. They took the clothes with the butts of their guns, knocked them off the rack and just went around knocking things around. . . By accident they hit it (the cash register). They opened it. One came over and took the money, and then they looked around and words were saying, 'There is nothing else left here, let's go.'"<sup>173</sup>

The Kings then took their daughter up the back stairs to their third-floor apartment and looked out the windows from there. Mrs. King said they then observed the troopers:

"They got in the middle of the street Avon Avenue, and they shot back into the store, plus they were shooting up. There was a candy store there and also a lounge across the street from in front of us. They started open firing, shooting up the places that was around."<sup>174</sup>

Mrs. King said the police cars were numbered 530, 535, and 491.<sup>175</sup>

State Police Maj. Victor E. Galassi testified before the Commission that the State Police records show that these cars were in Newark at the time of the riots.<sup>176</sup>

*Testimony by Nancy Ferguson:*

At about 2 or 3 A.M. Sunday, Nancy Ferguson, who owns a furniture and appliance store on Bergen Street, went out to see whence shots were being fired. She saw a police car and a foot patrolman a few blocks away. Then, she said, three policemen, not wearing Newark uniforms, approached and ordered her to return to her store. Mrs. Ferguson testified:

“. . . one of them finally said, 'Step aside' and I said, 'I'm not going anywhere' and they said, 'We will kill you.' I said, 'Well, I am here to die.' They walked toward the corner of the store because my door is like a post, and they started shooting. They shot through the windows. The bullets pierced the furniture and went into the walls . . .”<sup>177</sup>

Mrs. Ferguson said that one of the policemen dropped a clip of bullets, which Mrs. Ferguson produced for the Commission and a photograph of which was introduced in evidence. It was M-1 ammunition.<sup>178</sup>

*Testimony by Alfred Henderson:*

At midnight Saturday, Alfred Henderson, who owns a photography studio on Clinton Avenue and who also lives at this address, heard shooting. After one or two hours, he said the shooting sounded closer. From a second-floor window he saw a black unmarked car, a State Police car and two National Guard trucks drive slowly up the street. A man in shirtsleeves in the unmarked car fired a weapon towards his studio on the floor below. The next morning, Mr. Henderson said, he found that the plate glass had been broken. He had written "Soul Brother" on the front of the studio.<sup>179</sup>

*Testimony by Bow Woo Wong:*

Between 1 and 2 o'clock Sunday morning, while watching television in his home above his laundry on South Orange Avenue, Bow Woo Wong heard the sound of a jeep and shots. After waiting 15 or 20 minutes, he said, he went down and saw bullet holes in his window. Later he heard shots again. He looked out and saw a man with a rifle standing near a jeep. In the morning he counted three bullet holes. Somebody—not Mr. Wong—had written "Soul Brother" on the outside of his laundry.<sup>180</sup>

*Testimony by Bertha L. Dixon:*

Mrs. Bertha L. Dixon owns a luncheonette on South Orange Avenue and lives in an apartment above it. She testified about events after midnight Saturday, July 15:

"I heard this shot, zing, went through the building and that woke me up. . . It was in the middle of the night some time. . . Then I heard the rest of the shots . . . Some people across the street kept hollering and telling me, 'Your burglar alarm went off' . . . There was shots across the window, cross the door, all on the inside of the building. . .

"I locked the place up and I walked outside and stood there for a minute. In the meantime, two carloads of State troopers pulled up. They said, 'What are you doing out here?' I said, 'I came out here to cut my burglar alarm off. You all shot up my place.' All of them said to me, 'We will shoot you if you don't get back upstairs.' One of them spoke that. It was two carloads. I turned and looked and went upstairs."<sup>181</sup>

Eight other witnesses who were not present in or near their business establishments when damage was done late at night also testified. Some were called by people in the neighborhood where the stores are located. Others found the damage when they returned to do business. These witnesses were:

Pedro Felix, owner of a luncheonette on South Orange Avenue;  
Eddie Hardy, owner of a ladies' wear shop on Clinton Avenue;  
Herman W. Jackson, owner of a barber shop on South Orange Avenue;  
Willie J. Odom, owner of a card and gift shop on Bergen Street;  
Laura Peters, owner of a tailor shop on Bergen Street;  
Robert H. Pitts, owner of a pet shop on Bergen Street;  
Elmo J. Sessoms, owner of an appliance service on Springfield Avenue;  
Courtney A. Weekes, Jr., owner of a cleaning store on Springfield Avenue.

Mrs. Ferguson's store is located near Mr. Pitts' pet shop. She testified that she saw Mr. Pitts' store shot up by the same policemen who shot up her store.<sup>182</sup> Joseph E. Hayden, Jr., a resident of Bergen Street, said he observed shooting by uniformed personnel riding in a car with three large numbers on top under his apartment. Mr. Hayden lives above Mrs. Peters' store.<sup>183</sup>

Except for Mr. Jackson and Mr. Sessoms, all these witnesses testified that the shooting into their stores had occurred in the night from Saturday, July 15, to Sunday, July 16. Mr. Jackson said the damage to his store was done between Friday evening, July 15, and Saturday morning, and Mr. Sessoms, who testified that he was not working in his store on Sunday, said he found the damage when he returned on Monday morning, July 17.<sup>184</sup>

Dickinson R. Debevoise, president of the board of trustees of the Newark Legal Services Project, testified that this agency received 250 complaints of alleged abuse and misuse of force by law-enforcement officers, including 84 of store shootings. These complaints were received in evidence as a Commission exhibit.<sup>185</sup>

### *Official Responses*

The Commission was aware that the Governor had instructed the State Police and National Guard on Sunday, July 16, to investigate these allegations of destruction of property. The Commission then requested these agencies and the Newark police to testify regarding their investigations. The National Guard, the State Police and the Newark Police Department all indicated a willingness to receive complaints and to process them according to their respective investigative procedures.<sup>186</sup>

Maj. Galassi, who heads the Criminal Investigation Section of the State Police and who was responsible for investigating allegations of State Police misconduct, explained that the size of the area, the number of policemen involved, the use of unmarked cars and other factors hampered efforts at investigation. He said: "Great difficulty was encountered in unearthing many of the essential elements of these allegations."<sup>187</sup> In the early stages of the operation, he pointed out the State Police command attempted to maintain the integrity of the various troops by assigning them to certain sectors of the city, but as the intensity of the disorders increased, it became impossible to keep the various troops separated.

Major Galassi said:

"Men, vehicles, and patrols were continually changed and interchanged to meet sporadic emergencies in every section of the riot-torn area. Because of these factors, the accurate identification of specific times, dates, places, individuals, and incidents was either difficult or impossible to ascertain."<sup>188</sup>

The major also testified that, as of the date of his testimony, Dec. 7, 33 allegations of abuse of authority by law-enforcement personnel were reported to the State Police. These included 25 reports of breaking of windows and damage to property.<sup>189</sup> He said each charge of State Police abuse had been investigated as thoroughly as possible and a report forwarded to the Attorney General and the Superintendent of the State Police. Some

charges, he said, did not involve the State Police. He said many complaints did not withstand scrutiny because of conflicts among supporting witnesses.<sup>190</sup>

Major Galassi said that the Attorney General and the State Police Superintendent had decided that each report of an investigation was to be submitted to the prosecutor.<sup>191</sup> The witness added that, as of the date of his testimony, no recommendations had as yet been made as to possible disciplinary action, and that the investigations were continuing.<sup>192</sup>

Major Galassi testified that three days prior to his appearance before the Commission—on Dec. 4—the State Police had received a group of complaints from the Newark Legal Services Project, but since these had just come into his office's possession, they did not figure in his testimony.

On behalf of the National Guard, Col. Charles A. McLean testified that the total of complaints of misconduct against National Guard personnel brought to his attention was six.<sup>193</sup> Colonel McLean, who was assigned to the investigation of such charges, said his inquiry showed involvement of National Guard forces in only one complaint, and in that case the return of fire was in the normal course of duty. He said all information on these matters had been turned over to the Essex County Prosecutor or the Attorney General. He said he knew of no general investigation by the National Guard.<sup>194</sup>

Speaking on the same subject for the Newark Police Department, Inspector Thomas M. Henry testified that five complaints had come to his attention—two from the Newark Legal Services Project and three directly.<sup>195</sup> Inspector Henry said one complaint had little foundation, that two complainants were satisfied with explanations provided by the police and that two were still pending at the time of his testimony before the Commission.

All of the agencies have operated on the basis of complaints received. The Commission is also not aware of any general grand jury investigation—County, State or Federal—into these allegations.

## FINAL STAGES

With the coming of daybreak on Sunday, tensions seemed to ease in Newark. Colonel Kelly said: "Sunday, it seemed to taper off."<sup>196</sup>

Governor Hughes testified that the efforts at pacification "were renewed early Sunday morning and were successful at that time."<sup>197</sup> From then until midweek, violence steadily diminished.

Food was becoming a major problem, since many people in the Negro community go shopping "only for a day in advance, don't have freezers and forward buying that more prosperous people have, and yet they were afraid to go on the streets because they might be killed or hurt."<sup>198</sup>

Sunday morning, Colonel Kelly and Stanley Van Ness, the Governor's Counsel, toured the riot area, looking for grocery stores that might open. When owners were found to be either unable or unwilling to open, Commissioner Paul N. Ylvisaker arranged for delivery of emergency food supplies.

The food was distributed by the National Guard. It was picked up at a variety of points, including the Jersey City waterfront, and taken to City Hospital. Sniper fire was encountered, at both the hospital and distribution points, according to General Cantwell.<sup>199</sup>

Sunday turned into a day of discussions and meetings, both formal and informal. Governor Hughes said:

"I had constant meetings with members of the Negro community and people whom I regarded as leaders."<sup>200</sup>

As Sunday night fell, the city was quieter than it had been since Wednesday, when the Smith incident sparked the disorders. During the day, Governor Hughes had an-

nounced he would offer executive clemency to any person accused of nonviolent plundering or looting in return for information leading to the arrest and conviction of a sniper. But, the Governor said:

"This was completely abortive. No one came forward and no information came in."<sup>201</sup>

Sunday night there were a few incidents of sniping, but fewer than on previous nights. There were two fatal injuries Sunday, including the slaying of James Ruttledge, whose body was riddled with bullets and shotgun pellets.

At the Sunday meetings with State and local officials, Negro leaders had begun calling for the withdrawal of the State Police and the National Guard. Police Director Spina explained:

"It was the feeling of the Negro leaders that the augmentation of City police by the State Police and the National Guard created and intensified the unrest."<sup>202</sup>

About midnight Sunday, Attorney General Sills and Major Olaff of the State Police discussed the possibility that continuing roving patrol within the riot area might be stimulating sniper fire. Mr. Sills said it was the feeling at that time that it might be wise to withdraw the troops to checkpoints and to discontinue roving patrols.<sup>203</sup>

At about 12:30 o'clock Monday morning, Governor Hughes held a meeting with United States Attorney David Satz, Commissioner Paul N. Ylvisaker, Colonel Kelly, Tom Hayden and Robert Curvin.

The group worked through the night. Governor Hughes testified:

"... about 6:30 that morning, I decided, with Colonel Kelly and with all the other people that were advising me, we should pull out the National Guard and the State Police except for a skeleton crew to help convey food supplies and to do some little emergency service."<sup>204</sup>

The decision to remove the troops was announced about noon Monday and by midafternoon, the State and Guard forces began to leave Newark.

Director Spina said of the withdrawal:

"I have a feeling, too, that when we removed the National Guard from the scene there came a feeling amongst the populace that things were going to be all right again."<sup>205</sup>

General Cantwell said:

"I think probably a day earlier we could have started to remove the patrols off the streets and then eventually have taken the ribbon from around the area and things of that sort so that we could have phased out in a more gradual stage than we did."<sup>206</sup>

On Monday, July 17, only food stores, restaurants, banks, and public utilities were open. All other businesses were closed. At 3 P.M. that day, the Governor lifted all emergency restrictions, although taverns and liquor stores were to remain closed. Monday night there were a few sporadic incidents of sniper fire. Two citizens were killed on Monday, and a policeman was wounded at 2:30 A.M. Tuesday.

By Tuesday, businesses and schools were open once again. All but a small force of State Police and National Guard troops had left the city, and Mayor Addonizio spent the afternoon discussing aid to the riot area.

New Jersey State Police records show 725 people were reported injured during the riots, including 695 who were treated at Newark area hospitals. However, Dr. C. Richard Weinberg, medical director at the Newark City Hospital, said, that 1,020 persons were

treated at that hospital alone. He said that during the riots no records were kept on many of those treated.<sup>207</sup>

On Wednesday morning, Governor Hughes lifted the ban on the sale of alcoholic beverages, and the Newark riot was officially over.

### *Material Damage Summary*

Damage to private property during the Newark riots was estimated at \$10,434,425. Some 1,055 Newark businesses suffered property damages of \$1,708,240 and stock losses of \$8,020,310. The stock losses included both damaged goods and losses from looting. The bulk of the loss was stock; relatively little damage was done to real property. Liquor and food stores suffered most; 151 of the former and 167 of the latter reported damage.

While the bulk of the property damage was inflicted on business firms, 29 residences, housing 85 families, were also damaged. Many of these residences were located above stores or other businesses. In addition, the Newark Housing Authority spent \$82,911.95 in repairing riot damage at homes in five of its projects. The Public Service Gas & Electric Company reported spending \$24,000 to replace broken street lights, while the New Jersey Bell Telephone Company had to repair 262 outdoor telephone booths and nine telephone cables as well as other property.<sup>208</sup>

From July 13 to July 17, the Newark Fire Department received 364 calls, of which 64 were false alarms and 50 nonfire emergencies. Thursday night, July 13, was the worst night for fires. From 6 o'clock that evening to 6 P.M. Friday, there were 122 fires, 22 false alarms and 22 nonfire emergencies. From Friday at 6 P.M. to 6 P.M. Saturday, 71 fires, 19 false alarms and 6 nonfire emergencies were recorded. From then on, the fires trailed off.<sup>209</sup>

Fire Director John Caufield said that, although fires were a major problem during the disorders, the situation "certainly [could] not [be] compared to what happened in Detroit or Watts, for example."<sup>210</sup> Asked whether there was a pattern in the fire activity, Mr. Caufield replied:

"They (the fires) were certainly spread out. I guess they were sporadic. Except they weren't burning dwellings. . . . I think where dwellings were involved, it was because they happened to be above a store. I don't think dwellings as such were burned."<sup>211</sup>

Several fire companies were unable to respond to calls because they were pinned down by gunfire.<sup>212</sup> Gunfire, together with the extraordinary number of calls, caused the Fire Department to call on several out-of-town fire companies to assist.

As to the attitude of the community toward fire personnel, Mr. Caufield testified that, although firemen faced gunfire and missiles of various sorts on several occasions, "the people that we met were not hostile. It wasn't directed at us." He said in some cases people brought coffee and refreshments while the men were battling fires.<sup>213</sup>

## *2. SPECIFIC ISSUES*

### **PRE-RIOT PLANNING**

In August, 1965, a meeting was held in Newark attended by Governor Hughes, Attorney General Sills, Major General Cantwell, Colonel Kelly, Mayor Addonizio and the mayors of eight other New Jersey cities. The purpose was to discuss the general problems of possible civil disturbances, and to work out a procedure for the use of State facilities and resources, should the scope of disorders exceed the capability of control by local forces.

At this meeting some local authorities were of the opinion that they could contain any civil disturbance. Others said that they would request State Police and National Guard assistance if an outbreak lasted longer than 24 hours, since it would be financially be-

yond the means of some communities to support around-the-clock police operations for longer than one full day.<sup>214</sup>

The procedure by which local authorities could request State assistance was established. It was based on an informal understanding reached between State and local officials and depended for implementation on cooperative arrangements rather than formal regulation. According to this procedure, the Mayor was to request assistance from the Governor, who has the sole authority to call up the State Police or the National Guard. The Governor would alert the Superintendent of the State Police, who was to make a judgment on the validity of the request, based on intelligence reports from State Police observers stationed in the troubled area and on evaluations of the local police. The Governor would activate the National Guard only if the Superintendent of State Police requested it.<sup>215</sup>

Discussing the meeting at which this procedure was worked out, Mayor Addonizio testified:

“ . . . . I don't think anything of any worthwhile nature came out of it, except that in case we had difficulty we would call upon the State for help.

“I have never, in recent years, at least, or in the past ever attended a meeting where any plan was ever submitted to us as to how anything would operate in the event of a riot”.<sup>216</sup>

Subsequent to the August, 1965, meeting in Newark, the State Police and National Guard held several joint meetings to establish better liaison in the event of civil disorder. At a joint conference held on August 27, 1965, General Cantwell expressed reluctance about use of National Guard forces to contain disorders.

During these State Police-National Guard meetings attempts were made to coordinate communications and to work out the administrative chain of command in the event of disorders. The availability and use of personnel and equipment were also considered. Plans were made to set up joint command posts. Colonel Kelly testified that it had been predetermined that the State Police would have overall responsibility if both the State Police and National Guard were called up.<sup>217</sup> At an August 25, 1966 joint meeting, Colonel Kelly said it was agreed that, once called out, the State Police would also be in command of the local police department.

General Cantwell testified that it had not been planned that Colonel Kelly would command National Guardsmen.<sup>218</sup>

After the August, 1965, meeting, several steps were taken to coordinate State Police operations with the National Guard and with local police forces. State Police radios were placed on the cars of all National Guard commanders and both communications systems were tested. According to Colonel Kelly, National Guard brigades "were married up" to the State Police troop divisions, and joint command post exercises were held.<sup>219</sup> However, Major Olaff of the State Police testified that State Police troops did not participate in riot control training with National Guard units.<sup>220</sup>

### *Role of the State Police*

The State Police had created three special crowd control units. Each was made up of 50 men and a commanding officer. Twice yearly, since 1965, they conducted training in conventional riot control tactics, using squad formations such as wedges and diagonals. One hundred men were selected for special rifle training and were taught the handling of the M-1 rifle.<sup>221</sup>

Riot control training was based on the New Jersey State Police Riot Training Manual.<sup>222</sup> Major Olaff said:



facilities in Newark, there was no integration of Newark police and State Police radio communications.

Each law-enforcement unit had its own communications system, operating on different frequencies. Neither the State nor the local units were equipped to receive or send on the frequency assigned to the other.<sup>232</sup>

Colonel Kelly testified that this radio system was inadequate to meet the needs of a coordinated State-local effort to contain civil disorders.<sup>233</sup> He said that the State needed a statewide police frequency—an integrated police radio system—so that the State Police could communicate with any local police force whenever necessary. He noted that there were problems in accomplishing this objective since new frequencies would have to be approved by the Federal Communications Commission. Furthermore, police agencies would need additional funds for new equipment under a statewide system.<sup>234</sup>

### *Role of the National Guard*

The first responsibility of the National Guard is to the Federal Government; its secondary mission is to respond to requests or commands of the Governor. When the Governor activates National Guard forces, they become State troops and are subject to his orders. The Guard is basically equipped for its primary mission as a first-line Federal reserve. General Cantwell testified,

"We do not have equipment, nor is it intended that the Guard would be equipped for this civil disorder operation."<sup>235</sup>

Before the riots of the summer of 1967, eight hours of riot training were required for National Guard units. This training was based on routine mob control tactics. This training, according to General Cantwell, was not designed to cope with the problems posed by present-day civil disorders. He said Guard training was inadequate to meet the challenges of a new type of activity that he described as "sniper fire, guerilla type activities within the cities and on the city streets and mixed into the civilian population, most of which are innocent bystanders."<sup>236</sup>

The purpose of the National Guard, according to the plan, was to support the State Police. Colonel Kelly testified that the National Guard has an MP company with the primary role of "handling civil disorders; to use platoons to handle crowd dispersal; and to use tear gas, but not firearms."<sup>237</sup>

### *Role of the Newark Police*

In the latter part of June, 1967, Deputy Chief Redden became concerned over mounting tensions and suggested to Police Chief Kelly that they might be a "prelude to violence."<sup>238</sup> He proposed a meeting with civil rights leaders and the newspapers. A meeting was held in the City Council Chambers on June 29 and 30. Several Negro leaders, including UCC Board President Timothy Still, Willie Wright of the UCC board and representatives of The Newark News, The Newark Star-Ledger and The Afro-American attended the session with Director Spina, Chief Kelly and Deputy Chief Redden, representing the police. The Mayor did not appear.<sup>239</sup> At this meeting the police stated their concern over violence displayed at recent public hearings on the medical school and Parker-Callaghan controversies. Deputy Chief Redden testified, however, that the meeting was not effective and did not ease tensions. After the meeting, he feared the worst.<sup>240</sup>

Another member of the Police Department, Patrolman Leonard Kowalewski, president of the New Jersey Fraternal Order of Policemen, expressed concern over the possibility of a riot. Mr. Malafronte testified that the patrolman had written a letter to the Mayor a month before the riot, warning of the existence of an "armed camp" of poten-

tial rioters in the city. He complained of insufficient police equipment, saying shotguns, riot guns, helmets and tear gas were either not available or in short supply. The Mayor asked Patrolman Kowalewski to produce evidence of an "armed camp," but, according to Mr. Malafronte, he could not produce any. The Mayor ordered a survey of available police equipment, but Mr. Malafronte said this was never implemented.<sup>241</sup>

Deputy Chief Redden testified that, except for the delivery of 25 shotguns one week before the riot, no steps were taken by the Police Department to order special equipment or to train a tactical force. He said that he had made repeated recommendations over the years for changes in training procedures, aimed at developing a tactical squad capable of handling a major disturbance. According to Deputy Chief Redden: "I fail to see where we had received proper training."<sup>242</sup>

Director Spina testified that he purposely decided not to have riot training because he thought it would only "incense the Negroes and that we probably would have more problems than it was worth."<sup>243</sup> He said that even if the department had conducted riot training without publicity militant Negro groups would have found out about it.<sup>244</sup>

In retrospect, the director would do things differently under similar circumstances. As he put it:

"I wasn't prepared in a number of ways. Psychologically our men weren't prepared. Physically, we weren't prepared because we didn't have equipment. At that time we only had maybe 25 shotguns in the whole Police Department. We had no decent, modern helmets. We had no shields to ward off the stone throwing."<sup>245</sup>

In discussing his plans for future riot training and a \$230,000 purchase of new riot equipment, Director Spina said:

"Now I don't care if they know it or not because I know that substantial number of Negroes as well as the whites want to see the police prepared for any eventuality."<sup>246</sup>

## ARRESTS

Although figures are available for the total number of arrests made in Newark from July 12 to 17, the precise number of those arrested for acts arising from the civil disorder has not been determined. Some of the arrests listed in official documents show a variety of offenses, such as desertion, unlicensed driving, glue sniffing and other activities not likely to be related to the disorders. The Newark Police Department estimates that more than 1,600 arrests were made during the five days of disorders.<sup>247</sup>

The Commission staff analyzed police records, as well as 600 forms summarizing interviews with persons who were considered for release on bail or on their own recognizance, made available by the Newark Legal Services Project and the Essex County Courts. The police documents show the arrest of 1,465 persons. The bail interview forms indicate the arrest of 45 other persons whose names do not appear on the Newark police list—a total of 1,510. Out of this total information, the Commission compiled a series of breakdowns on the statistical characteristics of those arrested.

Sex and Race: The highest percentage of those arrested were Negro and male:

Negro Males	85.4%
Negro Females	9.4
White Males	5.0
White Females	.2
-----	
	100.0

*Age:* Three-fourths of those arrested were 32 or younger, half were 24 or younger, and one-quarter were 19 or younger.

The juveniles, ranging in age from 10 to 17, numbered 448 and constituted 16.4% of the total number of arrests. Forty-one, or one-sixth of the juveniles, were female, as opposed to one-twelfth of adult women arrested. On the basis of a recent analysis of Newark's population,<sup>248</sup> 16- to 21-year-olds are represented in the arrest group in twice the proportion they represent in the total population.

*Employment:* Of those arrested aged 18 or older, and on whom employment information could be obtained almost three-fourths had jobs. The employment analysis is reflected in this chart:

	Number	
Employed .....	882	73%
Unemployed .....	324	27
Working in Newark .....	408	53
Working outside Newark ..	360	47
(Not working or place of employment unknown) . .	(492)	-----
Skilled .....	153	18
Semi-skilled .....	195	23
Unskilled .....	506	59
(Unknown) .....	(402)	-----

The 27% figure of arrestees who were unemployed indicates that unemployment (which is 11.5% among Negroes in Newark as a whole) is a factor in participation in civil disorders. However, the 73% figure indicates that participation in rioting or riot-related acts cannot be explained merely by unemployment. In other words: jobs are important but they are not the whole answer.

*Length of Time in Newark:* The 600 bail interview forms yielded information not otherwise shown on arrest reports. These forms asked the length of time of residence in Newark or its environs (25-mile radius). This information is available for 572 arrests. As the chart shows, over half of the people who were considered for bail lived in Newark for more than 10 years prior to the disorder.

Time in Newark or Environs	Number	
Less than 1 year .....	26	4.5%
1-3 .....	69	12.1
4-6 .....	70	12.2
7-10 .....	87	15.2
11-15 .....	85	14.9
16-25 .....	154	26.9
Over 25 .....	81	14.2
	-----	-----
	572	100.0

*Family:* Information about domestic life is available for 587 of those arrested:

	Number	
Live with parents .....	143	24.4%
Live with own family .	192	32.7
Live with other relative	83	14.1
Live away from family .	169	28.8
	-----	-----
	587	100.0

An analysis of arrest reports prepared by the U. S. Attorney's Office in Newark covers 1,465 arrests between July 12 and July 17. It includes a breakdown on the types of offenses, the prior police record and residence of the arrestees.<sup>249</sup>

*Type of Offenses:* The highest percentage of arrests was for larceny, breaking and entering and receiving stolen goods; 1,071 out of 1,465, or 73%.<sup>250</sup> Other categories include: 174 disorderly persons, 91 weapons (carrying or possession), 46 assaults, 20 interference with police and 63 other offenses.

*Prior Police Record:* Of the 1,465 persons that were arrested, 640, or 44½%, have a prior police record. However, only 296, or 20%, had prior convictions. Sixty had only arrest records, and the disposition of the remaining 284 was undetermined.

*Residence:* The overwhelming percentage of those arrested were Newark residents. Ninety per cent of the arrestees lived in Newark, and 96% in Essex County. Only 20 arrestees (1.3%) were out-of-state residents.

Residence	Number	
Newark . . . . .	1,336	90%
Other Essex Cities . . . . .	70	6
Other New Jersey		
Counties . . . . .	39	3
Out of State . . . . .	20	1
	1,465	100

The 20 out-of-state arrestees originated in these states:

New York . . . . .	14
Florida . . . . .	2
Detroit . . . . .	1
Virginia . . . . .	1
Georgia . . . . .	1
South Carolina . . . . .	1

*Place of Birth:* A list compiled by the Newark Police Department sets forth the place of birth of 1,465 arrestees.

Place of Birth	Number	
Newark . . . . .	408	27%
Southern States . . . . .	724	49.7
Border States and		
District of Columbia . . . . .	39	3.8
Northern States . . . . .	199	13
(New Jersey) . . . . .	(122)	(8.3)
Other Than		
United States . . . . .	37	2.5
Place of Birth Unknown . . . . .	58	4
	1,465	100.0

As the above chart indicates, the highest percentage of people arrested were born in the South. Of the arrested persons, 475 came from three Southern states (North Carolina, Georgia and South Carolina). Only 35% of those arrested were born in New Jersey. This reflects the heavy postwar migration from the South. Among all Negroes, 40% have lived in the city less than 11 years—and most of them come from Southern states.<sup>251</sup>

### *Processing of Arrested Persons*

Director Spina testified that immediately upon arrest the apprehended persons were photographed with the arresting officer and any stolen goods. This was to record the evidence and establish the identity of prisoners. Photographers were available at each precinct for this purpose.<sup>252</sup>

All adult prisoners were arraigned in the Municipal Court on complaints drawn up by policemen.<sup>253</sup> Juvenile prisoners were sent to Juvenile Court and processed there. Prosecutor Brendan Byrne testified that immediately after the outbreak of the disorders he assigned assistant prosecutors to the Municipal Court on a 24-hour basis.<sup>254</sup> His office participated with the court on arraignment of all defendants and insisted on the presence of court stenographers throughout the proceedings.

Defendants were arraigned on an individual basis, and an assistant prosecutor was available to check the adequacy of complaints and make sure the defendant was aware of his rights and the charges brought against him. Mr. Byrne said that as a rule only a few hours elapsed between arrest and arraignment.<sup>255</sup>

Defense counsel was provided by the Newark Legal Services Project, the Office of the Public Defender and by private lawyers who, on a volunteer basis, responded to a call issued by the New Jersey State Bar Association.

The Newark Legal Services Project has been commended for its role during the disorders. The Committee on Law and Poverty of the New Jersey State Bar Association stated:

“. . . the officers and staff of the Newark Legal Services Project . . . worked tirelessly to provide legal services for all who needed and qualified for help. This duty imposed a tremendous burden upon the bar, which was faithfully and creditably discharged in the best tradition of the legal profession."

The Chief Judge of the Municipal Court established a system of uniform bail for all indictable offenses, depending on the charge. Bail of \$2,500 was set for charges of breaking and entering, or receiving stolen goods; \$5,000 for possession of a deadly weapon; and \$10,000 for possession of a Molotov cocktail or firebomb.<sup>256</sup> These initial bail amounts were reduced at subsequent bail hearings.<sup>257</sup> Both Prosecutor Byrne and Director Spina were of the opinion that uniform bail should be set initially in a riot situation.<sup>258</sup>

After arraignment, prisoners were transferred to various state and local detention facilities—Newark Street Jail, Caldwell Penitentiary and the Sussex Avenue Armory.

The large number of prisoners and the limited facilities available for detention posed major problems of logistics and maintenance. The United States Marshal's Office and the County Sheriff assisted the City in the transporting and housing of prisoners.

On Monday, July 17, the Essex County Prosecutor's office began presentation of riot cases to a county grand jury. At the same time, County and Superior Court judges began bail hearings, which were held wherever the prisoners were being detained.

On Sunday, July 16, the Public Defender's office obtained the assistance of Herbert Sturz, director of the Vera Foundation, in devising forms for use in the determination of bail. On the following Tuesday, students from the Rutgers Law School interviewed approximately 875 prisoners. As a result of these efforts, Prosecutor Byrne testified, virtually every defendant was subsequently released, either on reduced bail or on his own recognizance.<sup>259</sup>

Statistics obtained from Chief of Detectives William Anderson of the Essex County Prosecutor's office show that 567 indictments out of 807 original cases were returned by the Grand Jury.<sup>260</sup> Four additional judges were assigned to the criminal bench in Essex

County to handle the trial case load. In 208 cases the charges were reduced, and referred to the Municipal Court.

## USE OF WEAPONS

Each of the three law-enforcement agencies involved in the Newark disorders—the Newark police, the State Police and the National Guard—issued separate and independent instructions on the use of weapons to their respective forces. This lack of coordination added to the problems of a command structure that was inherently complex, and it led to some unnecessary and potentially costly confusion.

### *Newark Police Orders*

Mr. Malafronte testified that until Thursday, July 13, no orders had been issued on the use of weapons.<sup>261</sup> There was an assumption by the City Administration, according to Mr. Malafronte, that the police would use restraint. Since this approach left much to the discretion of individual policemen, he said, some confusion arose, and policemen interpreted the absence of specific orders as an instruction not to fire.

Police Director Spina offered this view:

"They say that Mayor Addonizio ordered me not to shoot. Actually I don't know where anybody ever got the idea that they couldn't shoot their guns. I was quite mystified. I heard a lot of shooting going on because I was in the area, and I didn't see any of our men shooting back. Then around six or seven hours after a lot of this firing was going on some of the superior officers were coming to me and saying, 'Do you think it is okay to shoot? When are we supposed to shoot?' The first couple of days that they asked me the question I didn't pay any attention to them and wondered why . . . they even asked me."<sup>262</sup>

Director Spina then realized that his men were under the impression that they had been given orders not to shoot. Thereupon, he announced to his men over the police radio:

"If you have a gun, whether it is a shoulder weapon or whether it is a hand gun, use it."<sup>263</sup>

He testified that he issued this directive in accordance with departmental regulations ordering a man not to use his weapon unless he is absolutely sure that a high misdemeanor had been committed.<sup>264</sup>

Director Spina said that he did not want looters shot, but he added that this order was never given.<sup>265</sup> Department regulations that allow the use of deadly force for the escape of a felon or high misdemeanant (a looter) were not modified during the disorders.

Some time after 8 P.M. on Thursday, July 13, Deputy Chief Redden attempted to clarify the situation with a message over the police radio. It stated:

"Firearms may be used when your own or another's life is in danger and no other means are available to defend yourself or apprehend an offender."<sup>266</sup>

According to Chief Redden, this order remained in force for the Newark police throughout the disorders.<sup>267</sup>

### *State Police Orders*

State Police officials reported that orders to their men were "to fire if fired upon."<sup>268</sup> Major Olaff explained that in briefing sessions held Friday morning, July 14, the men were told that, if they confronted a situation where their life was at stake, they had a

right to defend themselves by the use of firearms. No specific orders were given as to firing at fleeing looters.<sup>269</sup> Colonel Kelly testified:

"If the looters hadn't a gun, I don't suppose they were fired upon  
I have no reports of firing at looters."<sup>270</sup>

The basic instructions applied to all situations, including sniping, and were not rescinded.<sup>271</sup>

#### *National Guard Orders*

General Cantwell testified that on Friday, July 14, between 7:30 and 8 A.M., he ordered the National Guard forces to arm themselves.<sup>272</sup> Local commanders of the Guard had no specific instructions except to "control the fire." Senior officers on the spot were responsible for any firing by men under their command.<sup>273</sup> In case of mixed patrols, guardsmen were to return fire only on a command of a National Guard commander, irrespective of the actions of Newark or State Police in the same patrol. Based on the Newark experience, and for future purposes, General Cantwell said:

"No one will comand guardsmen except a guardsman. No one will fire except on orders of his senior. All ammunitions will be accounted for round by round from any individual's possession."<sup>274</sup>

#### *Newark Police Weapons*

The standard equipment for Newark policemen was 38-caliber service pistols. From 20 to 25 shotguns were also available.<sup>275</sup> Since the Newark police were concerned about running out of ammunition and weapons, additional shotguns and ammunition were ordered.<sup>276</sup> However, the police ecountered problems in obtaining the additional supplies of weapons they wanted.<sup>277</sup>

Because of weapons shortages, Newark police officials granted "tacit approval" for the use of policemen's personal weapons during the disorders.<sup>278</sup> There were apparently no written orders to this effect but permission was granted if commanding officers were asked. Thus, although there were no police-issued rifles, carbines or automatic weapons, Newark policemen carried them.<sup>279</sup> This practice had begun even before the riots.<sup>280</sup> Essex County Prosecutor Byrne testified that law enforcement officials should not employ personal weapons. Mr. Byrne added:

"I think someone ought to . . . evaluate the possibility of having every weapon issued to a police officer subjected to a ballistics test at the time it is issued so that the ballistics test on that gun is available, for instance, in State Police headquarters, and that police officers ought to be restricted in the use of guns to those guns which are issued to them."<sup>281</sup>

#### *State Police Weapons,*

Weapons available to the State Police forces included 75 Reisings and 66 M-1 rifles, as well as shotguns, carbines, three Thompson submachine guns and pistols.<sup>282</sup> Major Olaff testified that submachine guns were not used. He identified the shotguns used by State Police as 12-gauge Winchesters and the Reising as a 45-caliber semiautomatic rifle.<sup>283</sup>

#### *National Guard Weapons*

The National Guard was equipped with M-1, 30-caliber rifles. Sidearms carried by National Guard Officers varied. A company-grade officer carried a carbine or a rifle, while field-grade officers might carry a 45-caliber automatic Colt, Model 1911 or Model 1911 A-1 pistol.

### *Ammunition*

Although the State Police and the National Guard supplied an accounting for ammunition expended during the Newark disorders, the Newark Police Department has not been able to provide equivalent data. Director Spina described the problem:

"Ordinarily it is very strict control, but during this disturbance it was absolutely impossible to keep tabulations of who you gave it to and in what quantities. We don't know to this day whether it was expended or whether it was in somebody's house, like shotgun shells, for example."<sup>284</sup>

Police Inspector Henry said that all ammunition had not yet been returned. He testified:

"The men are afraid that in the event we have another disturbance ammunition may not be available, or it may not be available in the quantity that is necessary, so they are holding on to what they have. They have got that put away. This I know for a fact."<sup>285</sup>

Because of this and because of the use by Newark policemen of personal weapons that fired "whatever ammunition fitted those weapons"<sup>286</sup> and because of the absence of an accounting system, the amount of ammunition expended by the police cannot be determined.

Upon request, State Police and National Guard authorities supplied ammunition reports to the Commission. Major Olaff, in a report dated Dec. 29, provided an account based on a canvass of troop commanders. The report notes that no accurate figure of the number and type of ammunition expended can be determined because the urgency of the situation, limited time and insufficient manpower prevented keeping detailed records of how much ammunition was issued and expended. Furthermore, the situation in the field often required the free interchange of ammunition among the State Police, the Newark police and National Guardsmen. The report also states that the general sources for obtaining ammunition were the State Police and National Guard supplies. The approximation of ammunition expended by State Police personnel and set forth in the report was 350 rounds of 38-caliber; 1,168 of 45-caliber; 198 rounds of 00 buckshot; 1,187 rounds of 30-caliber, and 2 rounds of No. 9 birdshot.<sup>287</sup>

On behalf of the National Guard, General Cantwell reported that a total of 10,414 rounds was the best estimate of ammunition expended: 10,198 rounds of 30-caliber rifle; 200 rounds of 30-caliber carbine; and 16 rounds of 45-caliber pistol.<sup>288</sup>

### *Other Equipment*

Little if any use was made of tear gas or fire hoses to quell the disturbances or to disperse crowds. Deputy Chief Redden testified that he had "never used tear gas" and did not know its capabilities. He had never been given the opportunity to experiment with the use of tear gas and, although it was available, he felt hesitant to use it because of lack of training. He added that, had tear gas been used, it might have had only negligible effect because of the widely dispersed crowds.<sup>289</sup> Director Spina confirmed that training in the use of tear gas had not been conducted, but he felt that little training was needed.<sup>290</sup>

Colonel Kelly of the State Police was against the use of the gas to meet the sniper problem because of possible serious damage to children, people with respiratory problems and elderly persons.<sup>291</sup>

Deputy Chief Redden testified that the use of water and fire hoses had been discussed "several years ago," but that the decision to use it would have to be made by the Mayor, since the Fire Department did not see its task as "suppressing public disorders."<sup>292</sup> He testified that he was most concerned about the lack of an auxiliary

generator to keep police communications in operation.<sup>293</sup> Other deficiencies were: walkie-talkies, radio frequencies, shotguns, helmets, and riot sticks. He said the Department should have had all this equipment, as well as training in its use.<sup>294</sup>

As the result of a special appropriation of \$230,000 approved by the Newark City Council during and after the disorders, Director Spina now feels that the Newark police are adequately equipped.

## GUNFIRE

From July 14 through July 17, State Police records indicate a total of 152 sniping incidents.<sup>295</sup> The two peak periods were Friday and Saturday evenings. A compilation by the Newark Police Department reports 79 sniping incidents as verified in the same period. The 79 incidents include reports of firing at all three law-enforcement agencies—the Newark police, the State Police and the National Guard—and thus in some instances reflect duplication as a result on independent reporting systems. According to Director Spina, reports of sniping incidents were inflated for two reasons. First, false reports of sniping came from the people who were trying to confuse the police and move them out of a certain area.<sup>296</sup> Secondly, said Mr. Spina:

"I think a lot of the reports of snipers was due to the, I hate to use the word, trigger-happy guardsmen, who were firing at noises and firing indiscriminately sometimes, it appeared to me, and I was out in the field at all times."<sup>297</sup>

He related an incident during the third day of the riot to support this view. While investigating reports of sniping from the Columbus Homes, he observed about "200 National Guardsmen all the way down Seventh Avenue hiding behind trucks, hiding behind trees and poles and automobiles and looking up at this project."<sup>298</sup> State troopers were also hiding behind their vehicles, and one of them told Mr. Spina that they had heard shots but that they did not know where they were from or who did the shooting. As Mr. Spina approached the last quadrangle, he saw three guardsmen running out and asked one, "Did you fire a shot?" The guardsman replied, "Yes, I did." Mr. Spina then asked the guardsman why he had fired, and he reported the guardsman as replying:

"Well, a man was close to the window and I shouted for him to duck back and he didn't so I fired a shot across the window to frighten him back inside."

Mr. Spina countered:

"Do you know what you did? You just frightened 150 to 200 guardsmen on this street."<sup>299</sup>

There is no doubt that some shooting that was reported as sniping was firing by policemen. The large numbers of armed men on the street and inadequate communication among the various units was a critical factor. In addition to Mr. Spina, one witness testified that on Friday from 10 P.M. on, and continuing sporadically until Saturday morning, he saw State Police located at Springfield Avenue and Bergen Street firing toward Hunterdon Street in the direction of his building. At about 3 A.M. Saturday he observed National Guard units behind the building exchanging fire with the first group.<sup>300</sup> Coincidentally, State Police records show that State Police on Bergen and Springfield returned "sniper" fire twice on Friday and twice on Saturday. On the other side of the same block, units at Hunterdon and 16th returned fire three times on Friday. Units at Springfield and Hunterdon returned fire twice on Friday and three times on Saturday. The reports do not show the time of the day, or the direction of the firing.<sup>301</sup>

On another occasion, Deputy Chief Redden, who was monitoring the radio, heard a Newark police captain order a State and local police unit to stop firing because they were apparently firing at each other.<sup>302</sup>

Law-enforcement officials returned suspected sniper fire with rifle fire, aiming in the direction from which the shots came.<sup>303</sup> Col. Kelly testified that troopers had orders to fire if fired on, and there were no orders for massive retaliatory fire.<sup>304</sup>

While riflemen provided coverage, men with shotguns moved into apartments and proceeded to the level where they thought the firing had come from.<sup>305</sup>

Sniper teams were used one day during the disorder, Saturday, July 15. Armed with sniperscopes, they were positioned on the rooftops of buildings at the request of Newark authorities, more to deny some snipers the vantage point than to use the rifles.<sup>306</sup> None of the sniper teams reported seeing snipers and their use was considered ineffective by Colonel Kelly. Colonel Kelly testified that no snipers were apprehended.<sup>307</sup>

General Cantwell also discussed the problem of dealing with snipers in urban disorders. He thought there was "too much return fire" in Newark.<sup>308</sup> He said that to have men on the ground fire back up at a building, "is the last thing you would do, any more than if you went deer hunting (and) let everybody shoot because somebody hears a rustle in the bushes. Nobody shoots unless they see the target and knows who they are firing upon if they fire."<sup>309</sup>

According to Colonel Kelly, the location of heavy shooting or "sniping incidents changed from Friday night to Saturday night." On Friday, the most extensive firing occurred in State Police areas 6 and 7 and "a lot of it came from the high rise originally," while on Saturday night "it started to break out" in areas 1, 2, 3, 4, 5, 6 and 7.<sup>310</sup>

Some police officials testified that the sniping was organized. Major Olaff cited the presence of cross-fire.<sup>311</sup> Colonel Kelly testified that he felt a pattern had developed, established by shell casings found in stairwells. He said that during the night all the windows in the stairwells of housing projects were open, and that the "firer or firers" would keep on moving from one floor to another.<sup>312</sup> Police Director Spina, on the other hand, testified:

"There was no pattern, really. The sniping that went on made no sense at all."<sup>313</sup>

He stated that at least seven snipers were arrested and there might be more.<sup>314</sup> The arrest and incident reports for those seven individuals were forwarded to the Commission by Mr. Spina and introduced in evidence as Exhibit C-115. Those seven arrests were reviewed with the Essex County Prosecutor to determine their court status. The Commission was advised that all seven were indicted. The charges were, depending on the facts in each case, one or more of the following: assault with a deadly weapon; possession of a deadly weapon; use of a weapon; and carrying a gun with intent to use. As of Dec. 22, one person was found guilty of assault with a deadly weapon and not guilty of carrying a gun with intent to use, and another was acquitted of a charge of possessing a deadly weapon. A third defendant was found guilty of possession of a deadly weapon. The remainder were awaiting trial as of the above date. The names of these defendants and the circumstances of their arrest are not discussed further in this report in order not to prejudice the due administration of justice and the rights of these individuals.

Community witnesses who testified before the Commission believe that law-enforcement officials were responding to sniper fire in areas in which there were no snipers that they could see.<sup>315</sup> UCC President Still testified that

"the charges of widespread sniping were a lot of malarkey used as justification to shoot the people and homes."<sup>316</sup>

**EXHIBIT C-117. HOMICIDES—**

<i>No.</i>	<i>Name</i>	<i>Address</i>	<i>Age</i>	<i>Race</i>	<i>Location</i>
1.	Rose Abraham	42 Blum St., Newark	45	N	Brought to hospital by husband
2.	Elizabeth Artis	38 Prince St., Newark	68	N	At home
3.	Tedock Bell	411 Bergen St., Newark	28	N	Brought to hospital by friends
4.	Leroy Boyd	322 Belmont Ave., Newark	37	N	On sidewalk, Belmont & Avon
5.	Rebecca Brown	293 Bergen St., Newark	29	N	At home—in apt. window
6.	Mary Helen Campbell	380 Hawthorne Ave., Newark	40	N	In a car at High & Spruce Sts.
7.	Rufus Council	1 Prince St., Newark	32	N	On sidewalk at 69 So. Orange Ave.
8.	Isaac Harrison	176 Howard St., Newark	73	N	In the street at Springfield & Broome
9.	Jessie Mae Jones	255 Fairmount Ave., Newark	31	N	On her stoop, 255 Fairmount Ave.
10.	William Furr	2 Hollywood Ave., Montclair	24	N	On the sidewalk at 125 Avon Ave.
11.	Hattie Gainer	302 Hunterdon St., Newark	53	N	In her apt., 302 Hunterdon St.
12.	Raymond Gilmer	555 Ferry St., Newark	20	N	In the street at 744 Bergen St.
13.	Rufus Hawk	103 Spruce St., Newark	24	N	At or near 949 Frelinghuysen Ave.
14.	Oscar Hill	497 Belmont St., Newark	50	N	
15.	Robert Martin	24 W. Market St., Newark	22	N	On the street at Broome & Mercer
16.	Albert Mersier	117 Oliver St., Newark	20	N	On the sidewalk at 368 Mulberry St.
17.	Eddie Moss	240 Livingston St., Newark	10	N	Passenger in car at Hawthorne near Belmont
18.	Cornelius Murray	16 Wainwright St., Newark	28	N	On the sidewalk, Jones near Springfield
19.	Victor Louis Smith	32 Barclay St., Newark	22	N	In a hallway at 26 Edmond Place
20.	Michael Pugh	340—15th Ave., Newark	12	N	On the sidewalk in front of his home
21.	James Ruttledge	171 Lehigh Ave., Newark	19	N	Inside of Jo-Rae Tavern, Bergen & Custer
22.	Eloise Spellman	322 Hunterdon St., Newark	41	N	Inside her apartment
23.	James Sanders	52 Beacon St., Newark	16	N	At or near Sampson's Liquor Store, Springfield & Jones
24.	Richard Taliaferro	124 No. 7th St., 100—11th Ave., Newark	25	N	Leaving a store at So. 8th St. & 11th Ave.
25.	Det. Fred Toto	58 Smith St., Newark	33	W	Broome & Mercer Sts.
26.	Capt. Michael Moran	66 Eastern Pkwy., Newark	41	W	At scene of a fire, Central & So. 7th St.

NEWARK RIOT 7-14 — 7-17

Date	Autopsy Report	Ballistic Report
7/15/67 11:45 A.M.	Homicide by shooting. Gunshot wound, right hip.	Insufficient characteristics for identification (1—.38 cal. bullet).
7/16/67 4:35 A.M.	Heart attack.	.....
7/14/67 4:30 A.M.	Homicide by shooting. Bullet wound right front chest. Indicates passed through.	Passed through.
7/14/67 10:30 P.M.	Homicide by shooting. Bullet wound back of left chest.	Irregular lead fragment. No good for ID ("00" buckshot pellet).
7/15/67 6:30 P.M.	Homicide by shooting. Bullet wound left abdomen.	NONE
7/14/67 5:30 A.M.	Auto accident. Fractured pelvis. Car she was in struck a fire engine.	.....
7/14/67 5:30 P.M.	Homicide by shooting. Bullet wound left side of head.	Insufficient characteristics for identification (1—.38 cal. bullet).
7/14/67	Homicide by shooting. Shotgun wound of chest and abdomen.	I—double "0" buckshot pellet no value.
7/14/67	Homicide by shooting. Bullet wound back of head passed through.	.22-cal. bullet. 6 lands and 6 grooves, left twist.
7/15/67 2:55 P.M.	Homicide by shooting. Shotgun wound of back.	NONE
7/15/67	Homicide by shooting. Bullet wound of left chest passed through.	Passed through.
7/18/67	Homicide by shooting. Bullet wound of back of head passed through.	Passed through.
7/15/67 10:06 P.M.	Homicide by shooting. Shotgun wound, fractured skull front.	1 lead fragment no value for ID.
7/14/67 6:30 P.M.	Homicide by shooting. Bullet wound, right chest.	NONE
7/14/67	Homicide by shooting. 1 bullet wound, right arm. 1 bullet wound, back left chest.	NONE
7/14/67 11:55 P.M.	Homicide by shooting. Bullet wound in back, passed through.	Passed through.
7/14/67 8:30 P.M.	Homicide by shooting. Bullet wound back of right ear, passed through.	Passed through
7/14/67	Homicide by shooting. Bullet wound left chest, passed through, bullet wound left arm passed through.	Passed through.
7/16/67 8:25 A.M.	Overdose of narcotics.	Passed through.
7/17/67 12:50 P.M.	Homicide by shooting. Bullet wound of right abdomen, passed through.	Passed through.
7/16/67 5:15 P.M.	Homicide by shooting. Shotgun and bullet wounds of back.	5—.38 cal. bullets: 2 of the 5 bullets, insufficient characteristics for ID; 3 bullet with a rifling of 5 lands, five grooves, right twist; 17—00—12 gauge shotgun pellets leaving no rifling.
7/15/67	Homicide by shooting. Shotgun wound left side of neck, passed through. Superficial wound on neck.	Passed through.
7/14/67 4:10 A.M.	Homicide by shooting. Shotgun wounds back and left arm.	NONE
7/14/67 11:15 P.M.	Homicide by shooting. Shotgun wounds of back.	NONE
7/14/67 7:30 P.M.	Homicide by shooting. Small caliber bullet wound, left chest.	.22 cal. lead (nose portion) bullet recovered.
7/15/67 10:45 P.M.	Homicide by shooting. Bullet wound left flank, metallic bullet.	Core of .30—06 rifle bullet recovered Not valid ID. Casing not recovered.

According to the records received by this Commission, five policemen were wounded by gunfire. As noted earlier, one of them, Detective Toto, was fatally shot in the afternoon of July 14.

A report prepared by the Newark Police Department Planning and Research Office in August states that the following weapons were confiscated from arrested persons: 31 revolvers, 12 rifles, 16 shotguns, one submachine gun (non-operable), one zip gun, two air pistols, one machete, one icepick, one straight razor, one set of metal knuckles, and 15 knives. Seventy-three Newark residents and 18 persons from out of town were arrested on weapons charges.

## DEATHS

The Governor charged this Commission not to act as a grand jury or a law enforcement agency

"to the entl that its specific scrutiny of individual cases would or might interfere with the due administration of justice or unconstitutionally affect the rights of those who might be called upon to face the bar of justice."

Thus, the Commissioner did not undertake a case-by-case investigation of the circumstances under which the 26 deaths connected with the July disorders occurred. In terms of the Governor's charge, the investigation of these homicides is the responsibility of law-enforcement agencies, and any indictment will have to be made by a grand jury. Nevertheless, this Commission views it as an important part of its responsibility to comment on the tragedy, and on the questions still left open.

Documents made available to the Commission by the State Police, the Essex County Prosecutor's Office, and the Newark Police Department indicate that 26 deaths occurred in Newark in connection with the disorders from July 14 to July 17. Three were from causes other than gunshot wounds. Elizabeth Artis died of a heart attack, Victor Louis Smith from an overdose of narcotics and Mary Helen Campbell as a result of a collision between the car in which she was riding and a fire engine. The first of the 23 homicides from gunshot wounds was that of James Sanders on Friday, July 14, at 4:10 A.M. The last was that of Raymond Gilmer, at 1 A.M. on Monday, July 18.

Exhibit C-117 is a chart prepared for the Commission by its investigative staff and appears on pp. 138-139. The chart is based on information received from law-enforcement agencies and items introduced into evidence before the Commission. The location and time of each death were obtained from the Essex County Prosecutor's Office and Newark Police Department. The autopsy reports were obtained from Dr. Edwin Albano, former Essex County Medical Examiner, and introduced in evidence as Exhibit C-112. Exhibits C-113 and 114 are nine ballistic reports received from the Prosecutor's Office and the Newark Police Department. The autopsy reports indicate that in eight of the 23 shootings, the bullet or bullets, passed through the decedent. Thus, there could be no ballistic report. For the remaining six homicides, the Commission was unable to obtain ballistic reports.<sup>317</sup>

The manner in which the homicides occurred raises serious questions about riot-control procedures. A review of the testimony of law enforcement officials who were irresponsible for conducting operations during the riot yields ample evidence that there was a good deal of indiscriminate shooting. (This is reflected in testimony by Messrs. Spina, Kelly and Cantwell in this report's discussion on gunfire.) One instance showing a tragic consequence is described in the testimony of Richard Spellman before the Commission:

"She (my mother) looked out the window. When we heard this shot, she screamed . . . and then she fell to the floor . . . there was a lot of blood around her and on her neck."<sup>318</sup>

Policemen arrived and some of the firing stopped when one of the men put a sheet out the window.<sup>319</sup>

According to a special report prepared on October 24 by the Newark Police Department on the "Dead and Injured During the July, 1967, Riot," 10 of the people shot were by Newark police forces—seven justifiably, and three accidentally. The report further states that a policeman and a fire captain were shot by snipers and that 11 other deaths from shooting were from undetermined sources.

The location of death, the number of wounds, the manner in which the wounds were afflicted all raise grave doubts about the circumstances under which many of these people died.

Prosecutor Byrne testified that his office was inquiring into each of the deaths.<sup>320</sup> Each case was assigned to an assistant prosecutor for an individual investigation, using the homicide detectives who are part of the prosecutor's staff. As of January 10, 1968, these investigations were still pending. A letter from the U. S. Attorney indicates that his office has certain deaths under investigation and that these, too, were still pending when this report was written.<sup>321</sup>

The Commission views with concern the fact that such action has not yet been completed. These homicides are matters of grave concern and should be quickly and exhaustively investigated and resolved by the appropriate grand juries.

## THE CONSPIRACY QUESTION

The resources and powers of the Commission did not permit the kind of investigation that could yield definitive judgments as to whether the disorders of the summer of 1967 were planned or organized. Testimony before the Commission yielded statements and opinions, but not the specific kind of evidence from which definite conclusions can be drawn. The Commission and its staff were not equipped with the authority to delve into the subject in the manner in which law-enforcement agencies can.

Police witnesses made statements on the subject, but provided only scant information to substantiate their views. They preferred not to divulge other specifics, indicating that investigations were still under way or that security interests precluded disclosure.

State Police Superintendent Kelly, when asked whether he had evidence that both the Newark and Plainfield riots were organized with help from outside, answered in the affirmative. However, he did not feel free to provide full information to substantiate the statement.<sup>322</sup> In connection with the Newark riot, he mentioned the presence of Colonel Hassan of the black liberation army prior to the riot, and his disappearance during the disorders.<sup>323</sup> Colonel Kelly also noted a pattern in the sniper activity during the riot. He said: "When there is crossfire, there is organization."<sup>324</sup>

Newark Police Director Spina had a similar view:

"We could tell from the pattern of the looting and the pattern of the sniping. They would make a phone call telling us that there was sniper fire in a certain area and at the beginning we were sending out . . . 100 or 200 men at that location. Meanwhile, there would be looting in another area which had just been vacated and generally it would be called in, 'We are leaving 14th Street and so and so and we are going up to the sniping area,' and they would come in the loot. We found that by other means they were monitoring our radios. We in turn, by accident, discovered that they were using C.B.R. radios to communicate with one another."<sup>325</sup>

Mr. Spina said that he had evidence to substantiate that this constituted a conspiracy, "stronger than just a belief."<sup>326</sup> He cited some of intercepted radio messages, but said that he could not elaborate further. He said he was not sure whether this conspiracy included only local people, or whether there was outside participation. He testified:

"We are not too sure at this moment as to what participation there was from the outside. We do know there was some and we had not known to what extent. These are some of the things that we are trying to ferret out . . ."<sup>327</sup>

At another point in his testimony, however, Director Spina stated that "we have no actual evidence of any outside conspiracy." He said that, as a result of a special Newark police investigation, he hoped to have enough evidence for a grand jury to return indictments for conspiracy to riot.<sup>328</sup>

Director Spina said that the arrest reports did not yield substantial evidence of a pattern of outside agitators or conspirators.<sup>329</sup> According to a list compiled by the Newark Police Department,<sup>330</sup> 18 out of 91 persons arrested on weapons charges were out-of-town residents. Sixteen of these 18 were residents of New Jersey communities neighboring Newark, and two were from out of state—one from Brooklyn, one from Atlanta, Ga. Out of the total of 1,465 persons arrested in Newark, 129 were out-of-town residents, and of these, 109 lived in nearby towns.

Other witnesses strongly denied the existence or even the likelihood of a conspiracy or plan for the riot. Tom Hayden, who had led a militant organization in the Newark Negro community, said that, although many in that community believe that "violence is a legitimate instrument of social change,"<sup>331</sup> the Newark riot was not organized by local people or by outsiders. He said:

"It comes like a tornado. It is not staged by organizers."<sup>332</sup>

Mr. Curvin testified that he had "very strong beliefs" that the sniping activity was not organized.<sup>333</sup> He also discounted the role played by the black revolutionary movement, and especially that of Colonel Hassan.<sup>334</sup>

Timothy Still, president of the UCC board of trustees, said there might be a few members of the community who "are bitter, filled with so much hate that a little something might set them off," but he did not think these people would be able "to organize and go out and do something."<sup>335</sup> Asked specifically whether there were any groups that organized the Newark riots, Mr. Still answered: "There was no organization to this."<sup>336</sup>

Mr. Malafronte, of Mayor Addonizio's staff, also did not believe that there was a conspiracy to start the riot. He said:

"I do think there were persons who worked hard to produce an atmosphere in which a riot could occur. But I do not think there was a conspiracy to make that riot occur."<sup>337</sup>

Interviews, including those with representatives of the news media, did not yield any definitive information. There were some indications that, once the riot had broken out, sniping activity might have been organized.<sup>338</sup> But Commission efforts to follow leads on potential organizers proved fruitless.

Clearly, the evidence that witnesses or interviewees were able or willing to provide to the Commission would not support a conclusion that there was a conspiracy or plan to organize the disorders. Other authorities, armed with stronger powers and conducting investigations into the matter, may have more to say on the subject.

## FINDINGS

1. The Newark City Administration did not adequately realize the bitterness in important sectors of the Negro community over the Administration's policies and conduct in the medical school and Parker-Callaghan controversies. The Administration did not seem to understand that political support by large numbers of Negroes in past municipal elections was not a guarantee against disaffection and disappointment over specific issues of direct and deep interest to Negroes. This reflects a serious lack of communication between established authority and the black community, which is one of the prime ills of Newark.

2. There was virtually a complete breakdown in the relations between the police and the Negro community prior to the disorders, and there is no evidence that there has been any improvement since July. Distrust, resentment and bitterness were at a high level on both sides, and there was no evidence of any significant improvement in this vital area when the Commission ended its hearings late in 1967.

3. Pre-riot planning by the Newark Police Department was inadequate. The department did not have sufficient resources for riot control, and it had not prepared a plan of operations for coping with the possibility of large-scale disorders.

4. Those who passed out leaflets and called for a rally on the evening of Thursday, July 13, in front of the Fourth Precinct, following the night of the Smith arrest, showed poor judgment. In the light of the high state of tension in the community, a rally was far more likely to lead to disorder than to nonviolent protest.

5. The Administration of the City of Newark was too hesitant to request State Police assistance, despite the views of high officers in the Newark Police Department that such aid was needed. Had aid been requested earlier, the rioting might have been contained more quickly and effectively.

6. Once assistance was requested, the State responded promptly and with adequate forces. However, due to the absence of an adequate plan for the control of disorders setting forth the command structure among the various law enforcement elements, delays and other problems arose that inhibited the effectiveness of the overall effort.

7. The inability of the various police forces to broadcast over one another's radio frequencies created major communications problems. The absence of a single radio communications channel for all police forces hampered the performance of all riot-control elements.

8. The amount of ammunition expended by police forces was out of all proportion to the mission assigned to them. All police forces lacked an adequate system of ammunition control. No proper procedures had been established for dispensing and accounting for the expenditure of ammunition. The use of personal weapons by members of the Newark Police Department created special problems in this area and should be condemned.

9. The technique of employing heavy return fire at suspected sniper locations proved tragic and costly.

10. The heavy firing by police elements against suspected snipers makes it difficult to determine the extensiveness of sniping. There may have been some organized sniping activity once the riot had reached its Friday peak.

11. There is evidence of prejudice against Negroes during the riot on the part of various police and National Guard elements. This resulted in the use of excessive and unjustified force and other abuses against Negro citizens.

12. The damage caused within a few hours early Sunday morning, July 16, to a large number of stores marked with "Soul" signs to depict non-white ownership and located in

a limited area reflects a pattern of police action for which there is no possible justification. Testimony strongly suggests that State Police elements were mainly responsible with some participation by National Guardsmen. These raids resulted in personal suffering and economic damage to innocent small businessmen and property owners who have a stake in law and order and who had not participated in any unlawful act. It embittered the Negro community as a whole at a time when the disorders had begun to ebb.

13. The evidence presented to the Commission does not support the thesis of a conspiracy or plan to initiate the Newark riot.

# Plainfield

On Friday, July 14, while the attention of most officials in the State was still focused on Newark, nearby Plainfield was experiencing incipient disorder. It was centered in a poor, predominantly Negro area. About 13,700 persons, or 28% of the city's population, estimated at 49,000, is nonwhite. A majority of the nonwhites are concentrated in **two** areas of Plainfield—one in the eastern part, where some 1,700 persons live, and a larger one in the West End, with about 8,000 residents. More than one-third of Plainfield's total unemployment originates in these two areas.

Early in the day, Councilman Harvey Judkins, a Negro, heard rumors that a disturbance was likely, and he relayed these reports to Mayor George F. Hetfield.<sup>1</sup> The **week** before rumors had circulated through the Negro community that a Negro woman, Mary Brown, had been beaten with handcuffs by the police.<sup>2</sup> The police denied the **allegations**.<sup>3</sup> The rumor received wide circulation, and produced some tension.

Friday evening, there was a disturbance at the **White Star Diner**. According to one report that circulated through the community, a white youth struck a Negro youth, **Glasgow Sherman**, and an off-duty policeman who was present took no **action**.<sup>4</sup>

Lieut. Daniel S. Hennessey of the Plainfield Police Department testified that he saw Mr. Sherman early on Saturday (about 1 A.M.) and Mr. Sherman told him he had been attacked at the White Star Diner, that a car with four or five men had been hit with a Molotov cocktail, that the men got out of the car, and that one of them, "because he was the closest, hit him (Mr. Sherman) in the eye."<sup>5</sup>

An eyewitness, however, told a different story. He said that, after a heated discussion at the diner about alleged recent beatings of Negro women, a Negro youth made a Molotov cocktail and threw it at the car of a white youth. Another Negro, in the company of the white youth, reacted by hitting the one who had thrown the **missile**.<sup>6</sup>

Also on Friday evening—later than the Sherman incident—approximately 200 Negro youths gathered at the West End Gardens Housing Project to complain about police brutality. Councilmen Judkins and Everett C. Lattimore, both Negroes, addressed the group. Although Councilman Judkins told Lieutenant Hennessey that he did not expect any trouble, shortly afterward 40 or 50 youths proceeded to West Front Street and broke windows.<sup>7</sup>

About 12:30 or 1 A.M. on Saturday, at Plainfield Avenue and West Third Street, the police found several 17- and 18-year-olds making gas bombs behind a gas station. The youths fled and the police confiscated the materials—old cloth, gasoline and empty bottles.<sup>8</sup> The violence that night was limited to three or four broken store **windows**.<sup>9</sup>

## SATURDAY

On the afternoon of the following day, Saturday, a group of Negro youths met at the Youth Center with Mayor Hetfield and Councilmen Lattimore and Judkins.<sup>10</sup> The principal complaint was police behavior.

"People were tired of being beaten and pushed around by this police department."<sup>11</sup>

The youths also complained about the lack of recreation facilities and the inadequacy of programs at the Youth **Center**.<sup>12</sup>

Spurgeon Cameron of the Plainfield Chapter of the National Association for the Advancement of Colored People (NAACP) believes this meeting was one of the two incidents leading to the riot. He said:

"The meeting ultimately broke up . . . because of a sense of frustration because the answers coming forth were not meaningful answers . . ."<sup>13</sup>

Robert Nelson, a youth who attended, testified:

"Hetfield wasn't saying anything. He was saying the same old thing they heard before."<sup>14</sup>

At 8 P.M. Mayor Hetfield, Police Chief Milford Payne, Lieutenant Hennessey, David W. Sullivan of the Human Relations Commission and some Negro residents met at the Plainfield Police Headquarters to discuss prevention of a possible disorder. The plan was to contain possible trouble.<sup>15</sup>

During that evening, a disturbance broke out at the West End Housing Project.<sup>16</sup> According to the testimony of Colonel Kelly of the State Police, the Plainfield police were ordered to stay away from this area.<sup>17</sup> The youths involved—around 30 or 40—ran down West Second Street and broke the windows of a light fixture store and a plumbing supply house. When Lieutenant Hennessey and Detective Watson arrived, the youths fled and no one was apprehended.<sup>18</sup> Subsequently, sporadic disorder broke out. Lieutenant Hennessey testified that he sent a radio car to arrest youths looting a liquor store, even before the police had officially been ordered to make arrests.<sup>19</sup> Official permission from headquarters was radioed shortly thereafter.<sup>20</sup> About this time police also arrested 12 white youths on motorcycles who were nearing the area. They were arrested for suspicious conduct.<sup>21</sup> In addition, the city had to contend with occasional fire bombings and false alarms.<sup>22</sup>

The State Police records show 43 arrests from 10 P.M. Saturday until 4 A.M. Sunday<sup>23</sup>—almost one-fourth of the total arrests reported for the entire period of the riot. Everything seemed orderly by Sunday at 3 or 4 A.M.<sup>24</sup>

## SUNDAY

On Sunday afternoon a crowd of Negro youths estimated at from 150 to 400 gathered in Greenbrook Park to air grievances.<sup>25</sup> The State Police log reports that they heard "inflammatory" speeches by some unidentified individuals.<sup>26</sup> Sometime about 4 P.M., Chief Everett Dobson of the Union County Park Police Department ordered the park cleared because the leaders of the meeting did not have a permit<sup>27</sup> and it was getting out of hand. The decision was not discussed with the Plainfield police.<sup>28</sup> As the park police implemented their orders, they apparently used the word "boys" several times. One policeman is reported to have said, "Come on, boys, let's go."<sup>29</sup> An eyewitness, a Negro youth leader, testified that the group was "talking about what they wanted" and that

". . . the meeting didn't even get started too good before the park police drove up into the park and said, 'Boys, you have got to get out of the park.' Most of the men in the park called attention to the officers by saying, 'We are not boys.' . . .

"Then he started again, 'Boys, would you get out of the park?' When Mr. Sullivan (of Plainfield's Human Relations Commission) showed his credentials to him . . .

". . . He asked could we stay down here for 10 more minutes and then the meeting would probably be over. The officer said again, 'No, Boys, get out of the park . . .'"<sup>30</sup>

Robert Nelson, a Negro high school student, testified that, as the people were walking out, they made several remarks like "Plainfield will burn tonight" and "We'll fix you, white man."<sup>31</sup>

The crowd was dispersed about 4 P.M.<sup>32</sup> Shortly thereafter, the police received reports of looting, fire bombing, assaults on white people, and barrages of bottles and bricks. "A State Police detective car was almost overturned."<sup>33</sup> At about 6 P.M., when Capt. George C. Campbell of the Plainfield police returned to duty, he observed that there

had been "many attacks upon the fire apparatus," and that the Fire Department refused to answer calls.<sup>34</sup>

At about 6 P.M. Mayor Hetfield reached Attorney General Sills in Newark. Mayor Hetfield testified that Mr. Sills hesitated to send help because he thought Plainfield was a "decoy."<sup>35</sup> Mr. Sills testified that he was unable to relay the message to the command post in Newark.<sup>36</sup> Colonel Kelly testified that he received the Mayor's official request for assistance at 6:45, but noted that at 6:04 P.M. Plainfield Police Chief Millford Payne had telephoned State Police Headquarters.<sup>37</sup> A dispute over the time when the call for help was made is apparently due to the delay in relaying messages from one official to another.

When Chief Payne called Police Headquarters, he advised that looting was confined to three square blocks. There were three or four fires, and about 45 arrests.<sup>38</sup> The State Police, who were still committed to Newark, arranged to send 24 officers and 12 cars to patrol Plainfield while the Plainfield police continued to have responsibility in the immediate areas.<sup>39</sup>

Colonel Kelly said he sent Captain Gurkin to Plainfield and the latter established a command post at about 7:30 or 7:50 P.M.<sup>40</sup> The Mayor testified that the State troopers began to arrive about 6:30 or 7 P.M. and established a command post.<sup>41</sup>

Meanwhile on Sunday afternoon, the Plainfield police had established a perimeter by posting men along Central Avenue, Madison Avenue and West Front Street (easterly side). They guarded key intersections on West Front and Seventh Streets. Police radio cars went into the area in response to calls. Captain Campbell said his purpose in establishing the perimeter was to seal off the area and prevent groups from entering or leaving.<sup>42</sup>

## THE DEATH OF POLICEMAN GLEASON

At about 8 P.M. Sunday, several persons reported to the police that a policeman was under attack.<sup>43</sup> The initial reports were discredited because false alarms of the previous night had made them wary.<sup>44</sup> Furthermore, the police had not assigned a foot patrolman to the area in question, and a Negro, who identified himself as a minister, had informed the police that he had not seen a policeman in that vicinity.<sup>45</sup> State Police records indicate that the Plainfield Police Department received notice of the attack on Mr. Gleason at 8:27.<sup>46</sup>

Captain Campbell and a rescue squad of 18 men found Mr. Gleason lying on his back on West Second Street at around 8:30 P.M.<sup>47</sup> His revolver and several rounds of ammunition were missing, but he had not been wounded by bullets.<sup>48</sup> The reason for Mr. Gleason's presence on West Second Street at that time was not resolved by Commission. Captain Campbell testified that he could not answer that question because of a pending investigation. Mr. Gleason died from the severe beating at 8:45 P.M. at Muhlenberg Hospital in Plainfield.<sup>49</sup>

Mr. Cameron, who had witnessed the beating of Gleason, said that he saw a "white helmet" going down Plainfield Avenue, that he heard four shots and saw a Negro youth stagger and fall.<sup>50</sup> Mr. Cameron further testified:

"As I walked over toward him, (the youth) I vaguely remember the blue uniform of the policeman running back to Front Street.

"... I remember seeing him being struck by his night stick by people . . . I made a couple of vain efforts to get people to stop, all of which was unsuccessful. Eventually, I went limp. Everybody then retreated and I said, 'Get the devil out of here.' The rescue squad came, picked him up, took him to the hospital. He was still alive."<sup>51</sup>

## OTHER SUNDAY NIGHT DEVELOPMENTS

About 9:45 o'clock the same evening, in nearby Middlesex, the Plainfield Machine Company was burglarized and 46 carbines stolen.<sup>52</sup> Based on intelligence reports, the police believed that some of these weapons were in the riot area, along with ammunition that had also been stolen from the company.<sup>53</sup>

Sunday night a perimeter around the area was established by Plainfield Police. The police went into the area on special missions, in response to calls for help from persons, and for reconnaissance.<sup>54</sup> Captain Campbell stated that his orders were to hold to a line of containment and not go in and patrol the riot area.<sup>55</sup> Colonel Kelly testified that State Police began to arrive Sunday evening but were not initially committed to the riot area. They maintained checkpoints to patrol the surrounding area.<sup>56</sup>

In view of the heavy State Police commitment to Newark, National Guardsmen were dispatched to the Westfield Armory, to be diverted to Plainfield when necessary. According to Captain Campbell, guardsmen arrived between 11 and 11:30 P.M.<sup>57</sup> By 2 A.M. Monday, National Guard armored carriers and State Police patrols were moving through the riot area.<sup>58</sup> Complete control of the perimeter that the Plainfield police had established was assumed by the National Guard and State Police by 3 P.M. Monday.<sup>59</sup> The State Police and the National Guard set up 29 or 30 posts, and maintained these for the next 36 hours.<sup>60</sup>

By the morning of Monday, July 17, the situation was generally quiet.<sup>61</sup> Captain Campbell testified that all looting was over by Monday evening or Tuesday morning and that the riot had effectively run its course by some time Tuesday.<sup>62</sup> Colonel Kelly agreed with this view of the situation.<sup>63</sup>

On Monday morning, Colonel Kelly returned to Newark from Plainfield and briefed Governor Hughes, Commissioner Paul N. Ylvisaker of the Department of Community Affairs, and other members of the Governor's staff.<sup>64</sup> In the late afternoon, Commissioner Ylvisaker and Attorney General Sills traveled to Plainfield.<sup>65</sup> The Governor was never present in Plainfield during the disorder.

## SNIPING ACTIVITY

Police records report a total of 27 incidents of sniper fire Sunday night, early Monday morning, Monday night and early Tuesday morning.<sup>66</sup> The reports indicate that individual sniping incidents lasted from a few minutes in some cases, to two or three hours in others. One policeman related that sniping was "heavy."<sup>67</sup> Captain Campbell testified that he and his men were "pinned down" by firing, including "semiautomatic" firing at one point.<sup>68</sup>

Snipers fired on two fire stations.<sup>69</sup> According to Sgt. Robert F. Kitzler of the State Police, the fire station at Central Avenue and Fourth was under heavy fire.<sup>70</sup> It was characterized as a "siege" by some witnesses.<sup>71</sup> Witnesses described the firing as "automatic" or "semiautomatic."<sup>72</sup> The windows of the firehouse were shattered, but police cars below were not hit.<sup>73</sup> Plainfield police entered the area and returned fire and a National Guard armored personnel carrier was called in for assistance. The Plainfield police later recovered spent shell casings in the area where the firing had originated.<sup>74</sup>

Shortly after the firing at the Central Avenue firehouse, six or seven men fired a few shots at the Bergen Street firehouse.<sup>75</sup> The police, and then a National Guard armored personnel carrier, arrived on the scene.

Attorney General Sills, although not denying the existence of sniper fire, testified that in some instances law-enforcement officers were firing at one another. He said:

"I can give you two instances of which I was aware. One of the local police . . . came to this corner. . . . He wasn't going to stand under

any light and be picked off by a sniper, so he shot the light out. A policeman standing one block away thought they were shooting at him, and he fired back in the general direction.

"Another one we had heard firing . . . down at the railroad station. When it was mapped out, it appeared two local policemen at opposite ends might have exchanged some gunfire. Again this had to be pieced together on the basis of reports that came in . . . It might have been a sniper, but if it was, it couldn't be pinned down by any corroborative evidence."<sup>76</sup>

## GRIEVANCE MEETINGS

Early Monday afternoon a small number of community youths asked Colonel Kelly for permission to have a meeting at the Youth Center, and for assurances that the police would not be riding through the area. He granted permission. The youths held the meeting, returned without incident and requested another meeting with officials in which they could air their grievances. An agreement was reached<sup>77</sup> and a second meeting was held at 6 P.M. in the Mayor's office.<sup>78</sup> Several community people attended, as well as Mayor Hetfield, City Council members, Attorney General Sills, Commissioner Ylvisaker, Colonel Kelly, Don McDonald of the State Department of Community Affairs and Jim Norton of the U. S. Department of Justice's Community Affairs Office.<sup>79</sup>

The first speaker from the floor said the youths wanted a recreation center and a swimming pool.<sup>80</sup> Others wanted assurance that no outside vehicles would go into the riot area, that the perimeter would be enlarged and that the police would not patrol the area.<sup>81</sup> Another request was that persons in jail be released.<sup>82</sup> The youths also wanted the Mayor, the Attorney General and Commissioner Ylvisaker to go into the neighborhood.

Subsequently, the Mayor, Mr. Ylvisaker and Mr. McDonald entered the area in one car, and Colonel Kelly and the Attorney General followed in another. They stopped on Third Street in front of the West End Gardens Apartments, where a truck and a bull-horn were brought up. The crowd numbered about 200 or 300 persons. It was difficult to hear the speakers.<sup>83</sup>

The crowd surged around Mr. Ylvisaker and asked him to speak. He took the bull-horn, stood on the back of the truck and addressed the crowd. He stated that the officials would hear the youths' grievances and do what they could.<sup>84</sup> Youths who had been present at the City Hall meeting attempted to quiet the crowd by calling out, "Let's listen to the man, he may be giving us the same old line, but let's listen," and "Cool it."<sup>85</sup> Commissioner Ylvisaker testified that "they were really protecting us."<sup>86</sup> The Mayor spoke briefly, but was shouted down.

Attorney General Sills then spoke. He discussed the possibilities of releasing prisoners and of sealing off the area from white people and roving patrols.<sup>87</sup> The two cars left the area at about the same time, and the group returned to City Hall.<sup>88</sup>

## THE RELEASE OF 12 PRISONERS

At about 9 P.M. Monday, another meeting was held at City Hall to discuss the demands of the group.<sup>89</sup> The meeting was attended by Attorney General Sills; Commissioner Ylvisaker and members of his department; Colonel Kelly; Mayor Hetfield; and Leo Kaplowitz, the prosecutor for Union County.<sup>90</sup> After the meeting began there was shouting in the hallway, and Lin Cathcart, a resident of Plainfield, was invited by Mayor Hetfield to attend the meeting?

Mr. Cathcart insisted that the prisoners be released.<sup>92</sup> According to Attorney General Sills, Mr. Cathcart said:

"Unless you let everybody out of jail by ten o'clock, we are coming out shooting."<sup>93</sup>

It was then suggested that in return for the recovery of the 46 stolen carbines, certain defendants would be released on their own recognizance. Testimony from various witnesses leaves doubt as to the origin of this suggestion.<sup>94</sup>

Some of those present, such as Colonel Kelly and Mr. Kaplowitz were opposed to any release of prisoners.<sup>95</sup> Mr. Ylvisaker felt that, since consideration was being given to a release-on-recognizance plan for Plainfield anyway, some prisoners could be released at an earlier date.<sup>96</sup> Ultimately, the Governor was consulted by telephone. His initial reaction was negative, but he gave authorization for the group to contact the judiciary to see if a release could be effected.<sup>97</sup>

After several telephone calls, the Attorney General reported that it would be wise to release some people and send them back into the community to ease the tensions.<sup>98</sup> Some of those present believed that Mr. Cathcart had indicated that he would try to get the rifles back in a day.<sup>99</sup> The Attorney General testified that, although there was no *quid pro quo* or condition on the release<sup>100</sup> there was some consensus that Mr. Cathcart would bring the guns by noon Wednesday.<sup>101</sup> Colonel Kelly was of the opinion that the initial discussions with Mr. Cathcart did involve the return of the guns but he did not believe that Mr. Cathcart had access to the 46 carbines.<sup>102</sup> Mr. Ylvisaker testified that Mr. Cathcart had made no explicit promises.<sup>103</sup>

Early Tuesday, a number of defendants were released on their own recognizance.<sup>104</sup> Mr. Kaplowitz picked the names of the 12 or 13 defendants to be released. He selected those with the least serious offenses.<sup>105</sup> Mr. Cathcart participated in the final selection of names.<sup>106</sup>

## THE SEARCH

During the negotiations for release, the Plainfield police, to their dismay, had not been consulted. Their attitude was summed up by Lieutenant Hennessey, who testified that on Monday he wanted to conduct a search for the stolen rifles<sup>107</sup> and that he spent Tuesday gathering intelligence on where the rifles could be located.<sup>108</sup> He testified that he was prevented from conducting such a search, although it was clear that such plans were discussed.

Colonel Kelly testified:

"We felt that the rifles would never be forthcoming, so we decided and we asked for an opinion (from the Attorney General) could we search, and by the opinion that was given to us we had a right to search under the riot proclamation."<sup>109</sup>

On Tuesday evening there was a planning session to mount a large-scale search operation for Wednesday afternoon. Top commanders of the Plainfield police, the State Police and the National Guard took part.<sup>110</sup> Lieutenant Hennessey testified that he put together all the available intelligence on the possible location of the rifles and drew a map pinpointing two or three specific apartments within the West End Gardens housing project.<sup>111</sup> When the promised weapons did not materialize, the machinery for the search was put into motion.

On Wednesday morning Governor Hughes met with State officials in Trenton to discuss the search.<sup>112</sup> Colonel Kelly was in contact with this group by telephone.<sup>113</sup> He was instructed that the press was to be permitted on the searching expedition, and 10 community representatives were to accompany the searchers.<sup>114</sup> Before Commissioner Ylvisaker and Attorney General Sills left the Governor's office in Trenton, the Governor, according to Mr. Ylvisaker, had some "second thoughts" about the plan, but ultimately he indicated that the search would proceed.<sup>115</sup>

The Governor's proclamation, dated July 17, invoked the Governor's authority during a state of disaster, and authorized the State Police and the National Guard "to search in areas and buildings in order to remove and confiscate firearms, ammunition or explosives." No search warrants were obtained or applied for.<sup>116</sup>

The plan for a search was also announced over a local radio station early Wednesday morning, much to the consternation of the police.<sup>117</sup> Captain Campbell testified that the announcement "was going to negate anything we were after."<sup>118</sup>

More than 100 State Police and National Guardsmen were assigned to the operations and were assembled around noon. Armored personnel carriers of the National Guard were on hand to carry the searchers.

Colonel Kelly testified that he wanted the Plainfield police along as guides:

"The Plainfield Police, Captain Campbell would go in and be in the West End. Lieutenant Hennessey would be in the other homes because he knew where they were and he knew the people. There was another detective from the Plainfield Police Department to assist Lieutenant Hennessey because we didn't know where the homes were. Captain Campbell got the key for the apartments from the superintendent so that we could open doors."<sup>119</sup>

Community teams, made up of local residents were also to go along to observe the search.<sup>120</sup>

Commissioner Ylvisaker testified that, as he arrived on the scene, he was concerned that the heavy complement of forces traveling in armored personnel carriers might look "like an invasion" rather than a search.<sup>121</sup> He objected to the use of the heavy equipment. He testified:

"I jumped out front and said 'Stop! In the name of the Governor, stop' . . . I remembered our conversation in the Governor's office . . . that this thing could become a national spectacle and start up the whole thing again . . . Kelly waved the personnel carriers off to the side. Then it took me two or three minutes to realize a vacuum had developed in command . . . Finally when I realized nothing was happening, I have a vague memory of giving some kind of signal to Colonel Kelly that the thing ought to start. The jeeps then began coming across the intersection."<sup>122</sup>

Mr. Ylvisaker also testified that he was informed of an agreement providing that there would be no local police in the search parties. Local policemen were ordered off the trucks.<sup>123</sup>

Colonel Kelly's testimony confirms that Mr. Ylvisaker stopped the personnel carriers "in the name of the Governor," and that Mr. Ylvisaker objected to the participation of the Plainfield policemen in the search.<sup>124</sup>

At 1 P.M. the search proceeded, concentrating on the West End Gardens Apartments.<sup>125</sup> According to Attorney General Sills, about 26 locations were searched.<sup>126</sup>

In some cases the search parties were described by witnesses as rude and unruly. Charles Miller, of the Plainfield Human Relations Commission, who accompanied one group, observed troopers break through a window in order to unlock a door, kick over a stuffed chair and break a mirror.<sup>127</sup> He testified that one trooper asked him; "Do you like what you see, friend?" Mr. Miller replied: "Carry on fellows; I am just watching." Mr. Miller added.

"As I got in the hall a State trooper who was carrying an M-1 rifle . . . says, 'What the hell are you doing up here?' I said, 'I am an observer of this search.' He said, 'Hell, anybody can put a white armband on.' I

said, 'I am just leaving.' At this point, as I turned around, he let me have a butt stroke of the **M-1**, and I proceeded downstairs more rapidly than I intended to."<sup>123</sup>

The search did not produce any of the **46** stolen carbines.<sup>129</sup> However, Captain Campbell testified that his men found four or five of the stolen weapons in the Evergreen Cemetery near the corner of Plainfield Avenue and Fourth Street sometime Wednesday afternoon and **Thursday**.<sup>130</sup> The captain further testified that, prior to Wednesday, a combined group of State and local police recovered in the riot area the cartons that contained the stolen carbines and boxes that held the 30-caliber ammunition that had been stolen from the **factory**.<sup>131</sup>

Following the search, the morale of the Plainfield police fell. The general disapproval of tactics of containment and the handling of the search had frustrated the men. Some **40** Plainfield policemen gathered in a session closed to the press,<sup>132</sup> and threatened to resign "en masse" because they were "left out," "tired" and felt "poorly treated."

Colonel Kelly arrived and addressed the men, and helped to prevent any mass resignation.<sup>133</sup>

## **EVIDENCE OF CONSPIRACY**

In testimony before the Commission, the Mayor of Plainfield and police officials expressed the opinion that there was some sort of concerted action or outside influence during some stages of the **riot**.<sup>134</sup> Furthermore, Capt. Campbell testified, he found several hundred rounds of 30-caliber ammunition, some of it in cardboard boxes, at what appeared to him to be a distribution point in front of a **taavern**.<sup>135</sup>

## **END OF DISTURBANCES**

After the search for the missing rifles, the State Police and the National Guard left Plainfield. There was no further disturbance.

The police estimated that 300 to **400** people participated at any one time<sup>136</sup> in the disorders. City and State Police apprehended a total of 152 persons during the disorders. Most of these were charged with minor violations, such as drunkenness, disorderliness or violation of the curfew. The next largest number were charged with violations associated with looting—breaking and entering, larceny, looting or receiving stolen property. Nineteen juveniles and 15 whites were among the arrested persons. The vast **majority—121—**were from Plainfield. Most of the remainder—40—were from other locations in New Jersey. Only two arrestees were from out of the **state**.<sup>137</sup>

The police reported **46** injuries to both policemen and private citizens, and one death (Patrolman Gleason). The damage to private property, as reported by the owners of the property, was \$300,000. In addition, the city reported some damage to police and fire **equipment**.<sup>138</sup>

## **FINDINGS**

1. The mob action resulting in the death of a Plainfield policeman was an act of brutality that must be condemned.

2. Under the circumstances that prevailed in Plainfield on Wednesday, July 19, the methods used to conduct the search in the West End Gardens Apartments reflected poor judgment that was widely viewed to be a violation of civil rights. The evidence before the Commission leads to the finding that there was little, if any, justification for this search which had limited chances of yielding up the missing weapons, which added to the already high tension in the community, and which left a legacy of bitterness among the residents of the searched area.

3. The weak-mayor form of government in Plainfield contributed to a lack of responsible action by the City Administration to relieve racial tension prior to and during the civil disorder.

4. Whether there was a *quid pro quo* of prisoners for guns between the State officials and Lin Cathcart is not clear. However, there appears to have been no doubt in the minds of the parties involved of a relationship between the release of the prisoners and the return of the 46 stolen carbines. The Commission is of the opinion that such dealings should not be countenanced. The decision to release defendants on recognizance or lower bail should have been made independently.

5. The activities of the Plainfield Police Department should not have been as sharply circumscribed as they were, and as virtually to destroy the department's morale. The reaction of many members of the department was such as to limit seriously the effectiveness of the force.

6. Police-community relations in Plainfield are poor. The issue is one of basic attitudes rather than merely of police brutality.

7. The evidence does not bear out the thesis that organized planning was the cause of the disorders in Plainfield. At best, the evidence suggests that there may have been some concerted activity among a small number of rioters after the rioting began.

# Englewood

Englewood is an affluent suburban community in Bergen County, in northern New Jersey. It did not have a riot; it had a racial disturbance. Had Newark and Plainfield not experienced riots in the early part of July, Englewood might well have escaped untroubled. Although it has not solved all its racial and social problems, the issues involved cannot be compared in scope to those of Newark.

Almost one-third of Englewood's 27,000 citizens are Negro. The majority of this community lives in the Fourth Ward, an area ranging from run-down tenements to \$40,000 homes. Poverty—defined as up to \$3,000 annual family income—is a problem for at least 15% of Englewood's Negro population.<sup>1</sup> Housing has been an issue for over 50 years, and today “the situation has become grossly aggravated.”<sup>2</sup> All witnesses agree housing is Englewood's chief problem. In addition, unemployment, especially among Negro youth;<sup>3</sup> lack of recreational facilities;<sup>4</sup> and a general feeling among many Negroes of frustration with and distrust of established authority, including the police: contributed to the tensions.

## RIOT CONTROL PLANNING

Englewood's comprehensive plan for riot control was a refinement of previous agreements between Bergen County and a number of municipal authorities dating back to the early 1960's.<sup>6</sup> Former Mayor Austin Volk—who was in office at the time of the disturbance—testified that in 1966, when he became chief executive, he suggested to the police the necessity for detailed planning for this type of emergency.<sup>7</sup> The county prosecutor's office, the county police, and at least 30 other municipal police departments agreed to send men if an emergency arose and their assistance was requested.<sup>8</sup> Furthermore, it was agreed that the Englewood police would have central control over all police forces, would issue all orders<sup>9</sup> and would co-ordinate all communications.<sup>10</sup>

Capt. William Harrington, chief of operations in the Englewood Police Department, testified that a month before the disturbance Chief Charles Lo Presti of the County Police came to Englewood and an alert plan was agreed upon.<sup>11</sup> The Englewood police also had coordinated its plans with the Hackensack FBI office and the State Police, who were to provide observers if a disturbance occurred.<sup>12</sup>

Englewood's own mobilization plan was based on tactical control, communications and mobility.<sup>13</sup> The system for central communications was planned by the Englewood police expert in electronics. Each municipal police department that volunteered to participate was required to supply the Englewood police with a piece of radio equipment, so that all frequencies used would be available to Englewood's police. They were placed under the control of an Englewood lieutenant, so that all messages going in or out of headquarters would go through this communications center and out to every policeman in the city.<sup>14</sup>

In addition, every man on the Englewood force had undergone riot training at the Teaneck Armory, under the Bergen County Police.<sup>15</sup> A year before, the Englewood Police Department had set up a tactical force for use in riot control, consisting of 17 or 18 men picked on the basis of physical stamina and emotional stability, and equipped with gas masks and riot equipment.<sup>16</sup> Specialized equipment included bullet-proof vests, special helmets, riot guns (12-gauge), riot sticks, and 30-caliber rifles.<sup>17</sup>

The mobilization plan assigned every man on the force to a specific task—tactical force, communication units, headquarters rest teams, backup tactical squad, etc. Capt. Harrington testified:

"These men were all pretrained in exactly what they were to do. So upon mobilization or going into a disturbance area there was no guess-work involved."<sup>18</sup>

The mobilization plan was in written form and specified each man's assignment. Each man's attire and equipment was **predetermined**.<sup>19</sup>

Instructions on the use of firearms, tear gas and the distribution of ammunition had also been set forth in detail. Capt. Harrington testified:

"We instructed the men that no unknown targets were to be fired at. It was a very restricted **effort**."<sup>20</sup>

Tear gas was to be used only on command of the operations commander, handed down to the tactical force **commanders**.<sup>21</sup> The decision to fire on a target was not left to the individual. It was at the discretion of the tactical force **lieutenant**.<sup>22</sup> All county and municipal police were briefed on the use of firearms and were under the same command orders. The distribution of ammunition was centralized through an ammunition vehicle, which contained firearms and extra ammunition, and was manned by four officers. Requests for additional ammunition had to be directed to this vehicle. Records were kept on the amount of ammunition given out and received back at **night**.<sup>23</sup>

The plan was based on a priority distribution of manpower. Top **priority** was given to such facilities as the telephone center, power plants and the hospital; second priority to liquor stores, sports shops and business centers. Englewood and county police were assigned to the disturbance area, while other municipal police were assigned to the other priority areas.<sup>24</sup>

Finally, the planning included an arrest procedure. A mobile arrest team consisting of four people was established for use in disturbances. The procedure was set forth as follows: After an arrest is made, the arrest team, equipped with photography and fingerprint I.D. facilities, moves in and takes the individual out of the disturbance area, places him under arrest and photographs him with the arresting officer. After printing and mugging, the arrestee is immediately brought before a magistrate.<sup>25</sup>

## TENSION RISES

On most summer afternoons and nights, a group of young Negro men congregate on the corner of Jay and William Streets, across from Nackay Park, near the local bar. The Mayor testified that although these men have no other place to hang out, the police usually would not allow them to congregate.<sup>26</sup> It was on this corner, one week after the Newark riot began, that the Englewood disturbance occurred.

Rumors of an impending riot preceded the actual occurrence by several days. Articles in *The Bergen Record* appeared on the 19th of July indicating that a riot might begin that weekend.<sup>27</sup> Both the Mayor and the prosecutor's office were concerned that Englewood might have a disturbance, and police were on the lookout for outside agitators.<sup>28</sup>

On Thursday, July 20, John Crawley, executive director of the Bergen County Urban League, concerned over the rumors and apprehensions in the community, met with the Mayor. He told the Mayor that if an incident did occur, a minimal show of force—use of unmarked cars, plainclothes detectives, and swift apprehension of offenders—should be the policy. Mr. Crawley testified:

"Our concern was that in light of the rumors, we felt the official leadership in the city was getting a little bit too tense and our fear was that if something should happen, they would over-react to it . . . I am convinced that the situation was aggravated precisely because the officials of the city did over-react when disturbances actually did occur."<sup>29</sup>

Mr. **Crawley** further testified that he was not informed that the City and county officials had independently developed a comprehensive plan for riot control.<sup>30</sup>

According to testimony before the Commission, the buildup of police had begun a week before the first incident occurred. On July 14, Acting Chief of Police John Madden issued a special order putting all members of the department on "standby alert until further notice."<sup>31</sup>

At 2 P.M. on Fridays<sup>2</sup> the Mayor transmitted an alert order to the County Sheriff, the County Prosecutor and the County Chief of Police. The testimony does not give any clear indication of why the alert was called. There was no mass violence that might have prompted the call-up. There were rumors of the possibility or likelihood of violence. The Mayor did not provide any reasons for calling up the police. He did testify, however, that bringing in of outside police and the ordering of heavy patrol of the area caused resentment among William and Jay Street residents.<sup>33</sup>

Several Englewood citizens who testified before the Commission believe that the police buildup was the immediate cause of the disturbance. Their concern began early in July, when the Englewood police tested tear gas on the Fourth Ward pistol range in full view of the Negro community.<sup>34</sup> Commenting on the show of force early in the afternoon of the 21st, Mr. **Crawley** testified:

"This disturbed me again because this is police action in anticipation of something happening. There had been no incidents of any sort, yet the police were there patrolling."<sup>35</sup>

Testimony indicates that citizens were alarmed when they saw a helicopter flying surveillance over Mackay Park at about 4 P.M.<sup>36</sup> At about the same time, residents said that they observed county and city police patrolling the park area with three or four men in a car, all equipped with riot gear.<sup>37</sup>

Mike Romeo, a reporter who covered the story for The **Bergen Record** testified:

"The biggest gripe I heard from the rioters, these teenage boys and older men and some women, was that 'whitey' brought in all these cops, and they were particularly vehement against the county police."<sup>38</sup>

Asked why the riot broke out on that particular Friday, the Rev. E. Wellington Butts, whose church is located in the Fourth Ward, testified:

"All the police were brought in **and** people . . . see all these police . . . so even if they had been planning to do it another date, since the police were all ready and everybody else was ready."<sup>39</sup>

Russell Major, a recently appointed Housing Commissioner for Englewood, gave similar testimony:

"That area is a bad area . . . Policemen that go down there to ask people to move off the corner from time to time have been continually assaulted or verbally abused, so it is really nothing new. It is just this summer there was riot fever in the land and with the extra police and 'the publicity and so forth I really think this is what caused the whole thing.-40

Mr. Major also said that the disturbance was "played all out of proportion" and that nothing happened that the Englewood police could not have handled **alone**.<sup>41</sup>

Frederick Lee, a 27-year-old community development aid for the antipoverty program in Englewood, who was in the crowd on Friday night, testified on what he thought caused the riot:

"Well, in the area there—this was a Friday—after work everybody buys a taste . . . a drink. We sit out there on the bridge or in the

park and we drink socially. If there is cops riding around in your neighborhood with riot helmets, with shotguns hanging out the windows, you want to know why, naturally. They said there would be a riot, which I hadn't heard anything. So when the window was broken, or would have been broken, the alarm went off."<sup>42</sup>

After the alert was called, the Mayor, the County Prosecutor, the Sheriff and county and city police chiefs met in City Hall. Shortly after the county police set up a command post at a pistol range at VanBrunt Street and Linden Avenue, near the William and Jay Streets area.<sup>43</sup> As they arrived into the city from nearby towns, the police were assigned to strategic patrol areas throughout the city, according to plan.

Between 5 and 6 P.M. the entire Englewood police force was called in for riot duty, and police from other municipalities reported to Englewood.<sup>44</sup> The Mayor ordered all movie theatres and liquor stores closed at 8 P.M.<sup>45</sup> Gradually, a crowd of people gathered on the corner of William and Jay Streets. Around 7 P.M. police cars from Fort Lee, Bergenfield, Tenafly and Cliffside Park were patrolling the area.<sup>46</sup> As the crowd grew, the police began to seal off the area with patrol cars." The young people were stretched out in a line and were jeering at the police.<sup>48</sup>

## THE DISTURBANCE

At 8:30 P.M. an alarm went off in Foti's Food Market on William Street.<sup>49</sup> Apparently a stone had broken the window. As the burglar alarm continued to clang, about 30 teenagers and adults gathered at the scene. The police response was immediate. At 8:45 county police radio ordered all units to converge at pistol range immediately.<sup>50</sup> Detectives Henry Robinson and Kenneth Tinsley, both Negroes, got involved in a scuffle with the crowd in an attempt to arrest someone." The police at the scene called for reinforcements, and within minutes a 20-man line of police armed with four-foot riot sticks cordoned off Jay Street, dispersing the crowd.<sup>52</sup> From the time police were moved into the area, they were heavily besieged by rocks and bottles.<sup>53</sup>

After this brief squirmish, there was a stand-off. The police line (about 50 to 100 police armed with riot gear) contained a crowd of about 30 to 60 persons on the west end of Jay Street in the area leading into the park. The crowd, which was made up of teenagers, adult men and some women," began taunting the line of police that were moving them into the park entrance.<sup>55</sup> At this point, Mr. Crawley and Bill Jackson of the New Jersey Civil Rights Division approached the crowd to find out if they wanted the opportunity to address their grievances to the Mayor. The people said they wanted two things: to talk to the Mayor and "to get the police out."<sup>56</sup>

Bergen County Sheriff Joseph F. Job, who was on the scene, called City Hall and told the Mayor to come to the Jay and William Streets area. At 9:30 P.M. the Mayor arrived. He testified that the temper of the crowd was hostile ". . . but not completely, however, because they accepted me as such and I walked freely in the crowd."<sup>57</sup> The people "seemed eager to talk about alleged grievances,"<sup>58</sup> such as lack of facilities. After listening to demands for better housing, a swimming pool and an end to police harassment, the Mayor promised to discuss grievances at City Hall the next day. Mike Romeo testified that the Mayor infuriated the crowd when at one point he said:

"Go back to your TV sets and go back to your ice cream and cake."<sup>59</sup>

After this confrontation with the crowd, the Mayor ordered some of the county and municipal police out of the area at about 9:55 P.M.<sup>60</sup>

However, no real police withdrawal took place because new outbreaks of rock throwing by the crowd were reported. Stones and rocks were being thrown at police cars, street lights, and store windows. When Police Headquarters received a report that

Sireno's Market on William Street was being looted, all cars in the area were ordered to converge at the Jay and William Streets area. As the police attempted to disperse the crowd, several people, including seven policemen, were injured.

On this night, four adults and one juvenile were arrested and charged with loitering. Looting was reported in Sireno's Market, and several store windows were broken, including some in stores on Palisade Avenue, where the Mayor said no effective patrols had been set up.<sup>61</sup> Activity continued in the William and Jay Streets area until about 3 A.M. when many of the outside police were withdrawn.<sup>62</sup>

On Friday night, approximately 220 policemen were deployed—60 Englewood police, 40 county police, and 100 to 120 other municipal police.<sup>63</sup> The Mayor testified that “. . . at no time did we keep 50 or 60 men in that area for 24 hours at a time.”<sup>64</sup>

The Mayor describes the police tactics as:

- Trying to contain the crowd by keeping more people out of the area; and
- Moving in to disperse the crowd once an incident occurred.

During the entire five-day period the police patrolled the city—four men per car equipped with riot gear.<sup>65</sup>

On succeeding nights after Friday, there was no large-scale clash between the police and civilians. In contrast to the large group that participated on Friday night (estimates range from 125 to 300), succeeding nights brought out only small groups that became involved in some instances of vandalism and looting. Fire bombing and looting was concentrated on the two markets (Sireno's and Foti's) in the William and Jay Streets area. Over a period of five nights there were eight fires in these two stores.<sup>66</sup> Fire bombs were reportedly also tossed at some other targets, all within a three-block area. By Sunday night Sireno's and Foti's entire stock had been looted. A total of about 50 store windows was broken.<sup>67</sup> Every night during this five-day period, bars and liquor stores were closed at 9 P.M. and outside police departments were brought into Englewood to protect key areas of the city. By Wednesday, the 26th, 28 arrests had been made—18 for loitering or disorderly conduct or unlawful assembly. Seven arrests involved charges of larceny. Only three of the 28 arrested lived outside Englewood; all three were from neighboring Teaneck.<sup>68</sup>

Mayor Volk testified that during the day there were no incidents:

"I would say the town after the first day or two was not crowded during the daytime, but there was no hostile incidents at all during the daytime. It started almost on the button at nine o'clock at night."<sup>69</sup>

On Saturday night, according to Mayor Volk, an exchange of fire took place between the police and snipers. No one was hit, but it was reported that a police car had holes fired into it.<sup>70</sup> The police were ordered to return fire directed at them and to attempt to locate the snipers, but none was found.<sup>71</sup> The police also responded to reports of gunfire on Monday night. There were no reports of any injury to civilians as a result of gunshots during the disturbance.

The Mayor believes that a small group of the criminal element in Englewood was responsible for the riot.<sup>72</sup> He testified that it appeared that certain ringleaders who had a great deal of hostility toward the police organized the disturbance.<sup>73</sup> Mr. Romeo said that the hostile feeling was centered in a core of about 25 to 30 men in their early 20's. A majority of these 30 men, he said, were employed, with no criminal records. A small percentage were unemployed and a still smaller percentage had criminal records.<sup>74</sup>

Representatives of the Englewood Police Department testified that they were satisfied with the results of their strategy to contain the disturbance. Capt. Harrington said:

"I feel from a tactical standpoint we accomplished what we set out to do. We contained the situation and in very short order, with the least amount of effort."<sup>75</sup>

The Mayor called the Governor on Saturday afternoon to notify him of the situation in Englewood. The Governor sent two observers to police headquarters. The observers felt that Englewood police had the situation under control and that State assistance was not necessary.<sup>76</sup>

The only charges of police brutality stemming from the disturbance were made in the press. These charges were general in nature, and according to the police, there was no basis for an investigation or for charges to be preferred.<sup>77</sup> Testimony before the Commission supports this view.<sup>78</sup> Although the Mayor reacted quickly to the situation, there is disagreement in the community about the nature of his reaction. He came to the William and Jay Streets area on Friday night to talk to the people. But some were critical of his remarks. At succeeding meetings between the Mayor and community people, communication was the central problem. On Saturday afternoon, the Mayor met with a group of 15 people to discuss community grievances. The Mayor said:

"We left there without any clear understanding that there would be no further demonstrations. Those that were there said, 'Well, this is just a whitewash and he doesn't mean what he says and it means nothing; forget it.' I felt that while meeting with them was a good idea and discussing the matter and all their particular problems, there was no real conclusion and whether I had allayed the situation it is hard to say."<sup>79</sup>

On Sunday night, the Mayor, accompanied by the County Prosecutor and Sheriff, took a walking tour of the William and Jay Streets area to inspect housing conditions. At the end of the tour the Mayor promised an immediate investigation of housing violations.<sup>80</sup> On Tuesday night the Mayor made an appeal over radio station WJRZ for an end to the disturbance. The Mayor emphasized that force would be met with double force. Commenting on the effectiveness of his appeal, the Mayor said:

"I don't know whether this proclamation got over to the people that were interested."<sup>81</sup>

On Wednesday night, the Mayor met with six people from the Fourth Ward, including Councilman Vincente K. Tibbs, a Negro, who had been selected as a community representative by 80 people on Monday night. The Mayor testified:

"I could see at an instant these people were not representative of the decent members of the community at least."<sup>82</sup>

After four hours of heated discussion the Mayor promised:

"I will be back in a week from tonight and I will have jobs for anybody who wants them."<sup>83</sup>

That same night a crowd of angry Fourth Warders demanded to see the Mayor in the City Council Chambers.<sup>84</sup>

One week later, on Aug. 20, Mayor Volk attended a meeting in the Fourth Ward. Rev. Butts told the Commission:

"He (the Mayor) set a date to come to the park within the Fourth Ward to meet people. The whole Fourth Ward was excited about this. He

is due there at 6 o'clock . . . A couple of hundred people are there . . . The Mayor gets there at 6, walks into the park where the TV cameras are. The Mayor starts talking with the TV camera coming on at 6 o'clock. The TV cameras go off at 6:10 and by 12 after 6 the Mayor is on his way out of that park very abruptly. I was standing right there. He answered three questions. Everybody had the impression we were going to come there and sit and be there an hour or an hour and a half . . . This was an insult to the entire Fourth Ward . . . Their dignity is shot down and knocked down . . . It is not legal to go out and throw a bomb or throw some rocks in somebody's building. It is not moral, but neither is what the Mayor has done to your morale either, but he can't be arrested for that."<sup>85</sup>

The disturbances were over, but the problems remain.

## FINDINGS

1. The Englewood Police Department merits commendation for thorough and effective preparation and execution of disorder control planning.
2. The absence of specific complaints of misconduct or brutality against the Englewood Police Department reflects well on the professional standards of this department in the performance of its duties during the disorders.
3. The over-all planning for control of disorders and the coordination with neighboring communities and the county authorities was handled well by the Englewood Administration.
4. There was no meaningful dialogue with those segments of the Negro community that felt the need to communicate their rising concern and frustration. The Administration did not understand that a vocal minority is not necessarily without support and sympathy among larger numbers of a disadvantaged community.
5. Although Englewood was acting responsibly in calling upon law-enforcement elements from neighboring communities and the county to be available in controlling possible disorders, the wisdom of giving police forces such high visibility in anticipation of a disturbance is open to question.