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Report for Action

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GOVERNOR'S SELECT COMMISSION ON CIVIL DISORDER
STATE OF NEW JERSEY

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STATE OF NEW JERSEY

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JUL 31 1980

February, 1968

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Preface

On Aug. 8, 1967, Gov. Richard J. Hughes asked this Commission to "examine the causes, the incidents and the remedies for the civil disorders which have afflicted New Jersey." The Governor said:

"What I am seeking, and what the people of New Jersey expect, is not a meaningless and detailed repetition of studies, but a realistic analysis of the disorders . . . and practical proposals which, hopefully, will prevent their recurrence in our State."

This report is the product of the Commission's five-month effort to fulfill this assignment. In accordance with the Governor's instruction, we have not engaged in studies for studies' sake; nor have we attempted to devise detailed plans and programs for all the political, social and economic problems that beset our State and many of its communities. Instead, we have used the limited time available to us to concentrate our investigation on the problems that we found to be of most immediate concern to the people in the troubled communities, to local authorities and to knowledgeable organizations and individuals.

Many of the problems we looked into are national in origin and scope. They can be solved only in the context of imaginative new national policies and vastly increased Federal aid to states and local communities. Yet, again in the spirit of practicality that motivated us, we focused our attention on what the people and governments of our State and our communities can do, and do now, to tackle the issues.

In an effort to make the most effective use of our resources, we devoted special attention to the problems of Newark, for it is there that the most serious disorders occurred and it is there that the problems are most complex. We believe that the experience of Newark yields many lessons for other large cities in our State that are grappling with similar problems. Many of our recommendations address themselves to the State Government. Other recommendations, though specifically designed for Newark, might profitably be studied by other cities and communities.

Our work included field trips to all the areas where disorders occurred last summer. We had 65 meetings, heard 106 witnesses, developed a transcript of 5,000 pages, an extensive file of exhibits and held more than 700 staff interviews. All witnesses before the Commission were sworn.

The first part of this report deals with the problems that cause tension, frustration and bitterness in many of our cities.

The second part describes and analyzes the disorders that broke out against this background.

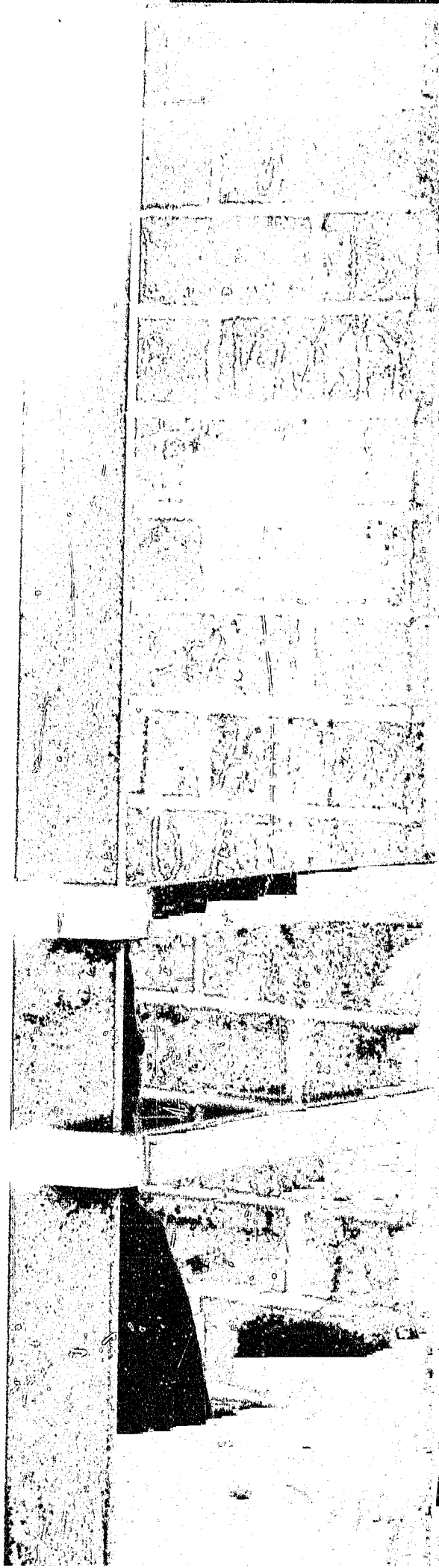
The third and final part lists our recommendations.

Some subjects, such as the controversy over the coming of the New Jersey College of Medicine and Dentistry to Newark, will recur in several parts. Others, such as the problems posed by municipal boundaries, will be discussed from different aspects in different chapters. Whenever possible, we have attempted to avoid repetitiousness. In some cases, however, we were willing to take this risk in the interest of providing all relevant materials in a given context and of a thematically logical listing of our recommendations.

We could not have done our job without the cooperation of many State and local agencies and of experts in many fields of urban affairs, both in and outside our State. The candor and the wisdom of hundreds of people in the Negro and Spanish-speaking communities with whom we talked have been most valuable and helpful.

Last but not least, a word of appreciation to the staff for a superb performance. It was a small group of dedicated people who worked day and night to produce the information on which this Commission could base reasoned judgments.

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Introduction

That this report had to be written is a manifestation of a deep failing in our society, for many of the problems that it analyzes should have been solved by now. Had we, as a society, made a more timely and determined effort to solve them, the events that led to the establishment of this Commission might never have occurred.

Nor can we plead ignorance about the nature of these problems. The shelves of government offices and academic institutions are filled with studies that shed light on them and offer avenues for solutions. The question is whether we have the will to act.

The record of history does not augur well for action. Although violence has marked the path of many ethnic and social groups, the major issues that were in contention in those conflicts have long since been resolved. But one great issue remains unresolved: the place of the Negro in American society. It is this issue that almost tore the nation apart one hundred years ago. It is this question that led to the Chicago riot of 1919, the Harlem riots of 1935 and 1943 and the mounting disorders in our cities in the years since World War II.

In the wake of the major racial conflicts of this century, commissions like this were established. They investigated the disorders and their causes and made recommendations. Many chapters in these earlier volumes read much like some in this report. Poor housing, unemployment and inferior education of Negroes figure prominently in the report on the 1919 Chicago riot, just as they do in our analysis of the conditions in Newark in 1967.

The mood in our cities clearly indicates that commissions like ours will have outlived their usefulness unless action is forthcoming from their recommendations. Our disadvantaged communities must see far more tangible evidence of a commitment to change than has emerged so far, or the summer of 1967 is likely to become a prologue to tragedy, and the time for study and planning will have run out.

A sixteen-year-old high school student from Plainfield told this Commission:

"There was a time the white person was accepted in the Negro community and he could just about go into the Negro community and feel comfortable. The Negro couldn't go in his community and feel comfortable, but that was okay. But now neither one feels comfortable in either community, and this is how they have drawn further apart."¹

It was a convincingly understated way of telling us that the distance between white and black is growing, and that distrust and anger are on the rise on both sides.

There is a clear and present danger to the very existence of our cities. Consequently, more is demanded than argument over the respective shortcomings, responsibilities and prejudices of white and black. The way to use time now is for action.

The burden of responsibility weighs most heavily on those in positions of leadership, power and with control over the resources that will be needed to produce tangible results. But much of what needs to be done and much of what this Commission is recommending does not cost money and cannot be bought.

The central issue with which this nation has temporized for the past one hundred years—to make equality real for the black man—was bound sooner or later to land on the doorstep of each of us. And had not the Negro been patient and forbearing, it would have landed there before.

The fate of a city today is in the hands of the policeman on the beat, the landlord of a tenement building, the shop steward in the factory, the employer, the storekeeper, the social worker, the public employee behind his desk or the neighbor who will not be a neighbor.

We need fewer promises and more action from political leaders and government officials.

We need fewer press releases from police commissioners on community relations and more respect by patrolmen for the dignity of each citizen.

We need fewer speeches from employers and union leaders on equal opportunity in the future, and more flexible hiring standards now.

We need more principals, teachers and guidance counselors who want their students to succeed instead of expecting them to fail.

We need more social workers who respect and foster a client's pride instead of treating him as an irritant or a child.

Suburban residents must understand that the future of their communities is inextricably linked to the fate of the city, instead of harboring the illusion that they can maintain invisible walls or continue to run away.

Such change is possible only when the people in our more fortunate communities understand that what is required of them is not an act of generosity toward the people in the ghettos, but a decision of direct and deep self-interest.

To bring about such change and the re-evaluation and revision of individual conduct and practice requires a climate that must be created by extraordinary leadership on all levels of government and in the private sector.

It requires clean, imaginative and sensitive administration in our city halls, where the end of business as usual is long overdue.

It requires broad opportunity for the Negro communities to convert into a force for prideful achievement the power that despair caused them to use for destruction.

It requires the realization of the simple truth that people are a community's most valuable resource, and that to help people gain access to opportunity represents an investment likely to yield a better return than all the subsidies we now provide for scores of economic sectors in our country, from farms to petroleum, from railroads to publications.

If the events of last July had one effect, it was to show that we can no longer escape the issue. The question is whether we shall resort to illusion, or finally come to grips with reality.

The illusion is that force alone will solve the problem. But our society cannot deliver on its promises when terror stalks the streets, and disorder and lawlessness tear our communities apart. No group of people can better themselves by rioting and breaking laws that are enacted for the benefit and protection of everyone. Riots must be condemned. The cardinal principle of any civilized society is law and order. It is vital to all. Without it no one will succeed or endure. The primary responsibility of government toward a threatened riot or mass violence is prompt and firm action, judiciously applied and sufficient to restore peace and order.

At the same time, we recognize that in the long run law and order can prevail only in conditions of social justice. Law enforcement in our country is neither designed nor equipped to deal with massive unrest. Our police establishments should not be forced into the role of armies of occupation. Therefore, reality demands prompt action to solve the long-neglected problems of our cities.

Inherent in these problems is the virus of segregation. It cannot be treated with palliatives. It must be attacked at the source. It is rampant in urban bodies no longer healthy enough to fight disease of any kind and which will increasingly suffer frustration and disorder unless old and outdated approaches are abandoned and new solutions sought in the metropolitan and regional context.

Such solutions require a co-ordinated attack on many fronts, and they will take time. But a beginning can be made quickly. The way to begin is at home, in the way we do business on our streets, in our shops, our schools, our courts, government offices and wherever members of the black and white communities meet.

The central issue was stated most simply and starkly by a 54-year-old Negro businessman who testified before this Commission:

"Just treat a Negro like a man. It is so easy, but the white man will not stand for a black man being a man. He's got to be a boy."²



I. Sources of Tension

The Political Framework

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

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

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

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

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

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

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

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

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

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

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

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

Of Newark's race relations, the survey said:

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

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

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

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

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

"Bad housing.

"Unemployment among Negroes.

"Breaking of official promises.

"Lack of job opportunities.

"Overcrowding of Negro areas.

"Police brutality.

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

"Outside troublemakers.

"Criminals and hoodlums.

"The search for excitement.

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

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

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

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

CHANGES IN GOVERNMENT AND POPULATION

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

Newark's first government was the town meeting established by Robert Treat's Puritan pioneers to operate their theocracy in 1666.² It was incorporated as a city in 1836, with a strong mayor-council form of government. In 1917, as a result of a reform movement, the City changed to the commission form of government, with five elected commissioners running the City as a committee. This worked well until the late 1920's when the businessmen who had supported it began to move to the suburbs and lost their steady influence on the government.

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

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

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

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

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

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

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

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

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

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

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

This was broken down by nationalities:

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



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

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

"No white landlord seems to want this class of tenant at all, especially in any modern house, with the result that much overcrowding was unavoidable. There are simply not enough good houses to go around.

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

Newark opened a "colored school" in 1851.⁵ Thirteen years later, it imported a principal named James M. Baxter from Philadelphia. He immediately started a fight against racial prejudice and managed to get a talented Negro girl admitted to the Newark High School in the 1870's. By 1908, the schools were integrated, at least so far as the students were concerned.

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

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

THE CITY LIMITS

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

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

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

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

Many in Newark believe that at least some of the municipal services should be provided on a county-wide basis. The Police Department's deputy chief, John Redden, mentioned his department as one of these.⁸ There are now more than 20 municipal police departments in Essex County, which makes for problems in such matters as radio

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

THE ADDONIZIO ADMINISTRATION'S BEGINNINGS

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

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

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

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

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

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

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

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

The Mayor's answer is:

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

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

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

Mr. Convisser added:

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

Former Commissioner Salvatore Bontempo had worked in the Addonizio organization in 1963, but withdrew shortly after the election.¹⁸ He said in a staff interview that a committee of businessmen had raised \$25,000 for the campaign at one dinner, hoping that the new mayor could save the city from decay. After the election, the businessmen approached Mr. Addonizio about forming a committee to plan a program, he said, and were told:

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

THE CHANGE OF MOOD

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

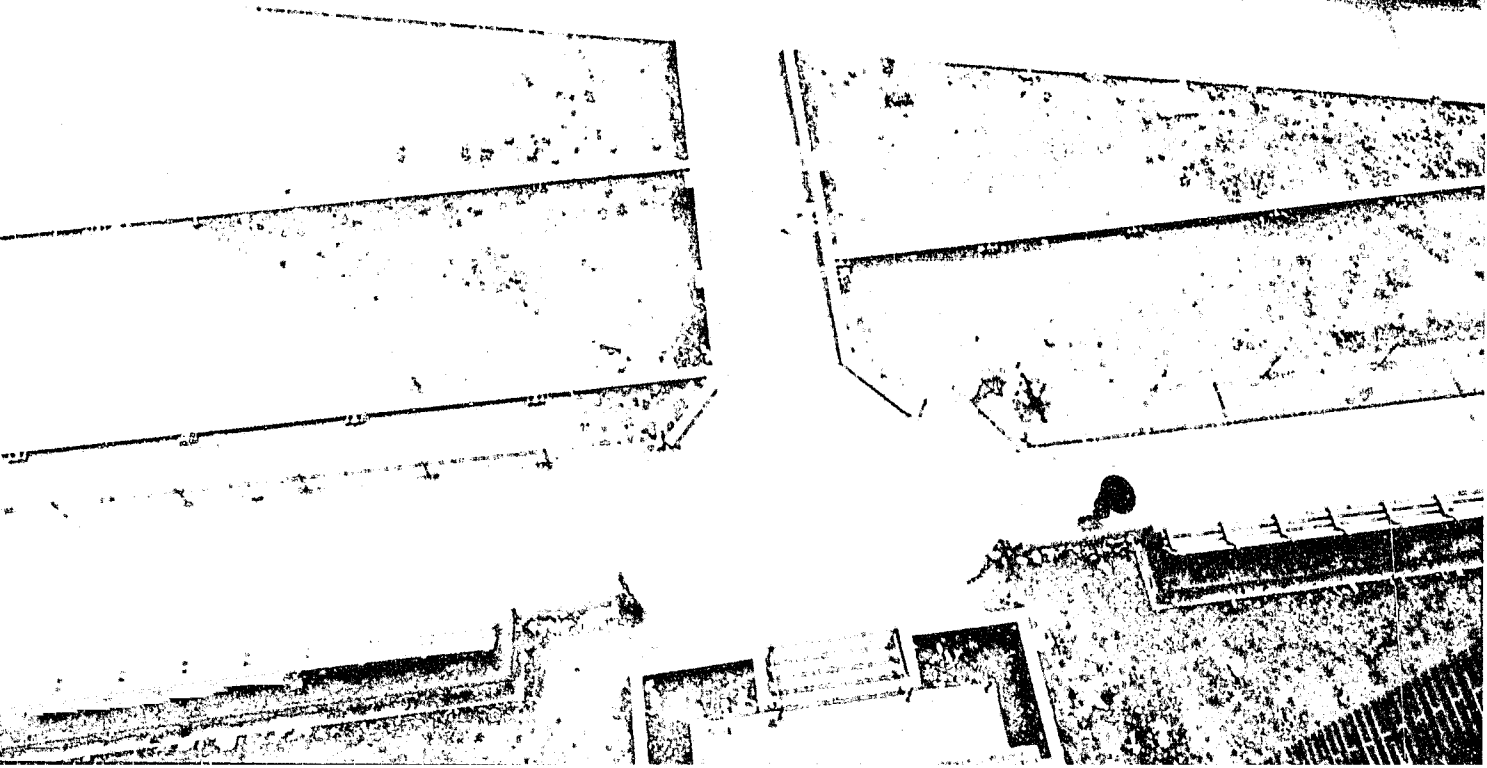
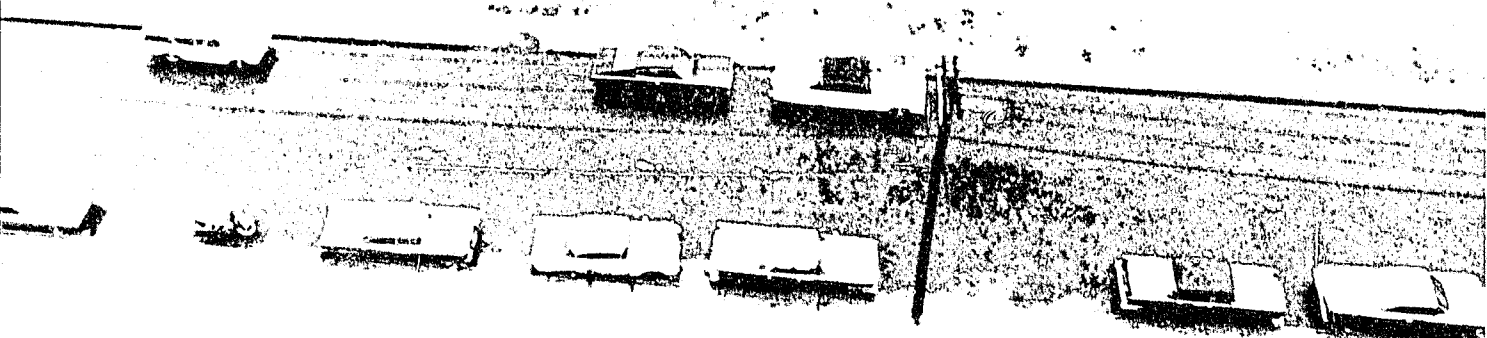


The Congress of Racial Equality became active in Newark early in 1963. An article in The New York Herald Tribune said that Newark and Brooklyn would be targets for protests against discrimination in the summer of 1963. Police Director Dominick Spina said in testimony before the Commission¹⁷ that he first noticed the group in the city when it became active in the Barringer High School demonstration in July of that year. Among those arrested was Robert Curvin, a leader in CORE. The five days of demonstrations ended when Mayor Addonizio formed an organization of civil rights, business and labor leaders to conduct an apprentice program for the building trades.

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

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





as "a national left-wing student organization."¹⁰ Mr. Hayden brought the SDS to Newark at the invitation of Prof. Stanley Winters of Newark College of Engineering to assist the Clinton Hill Neighborhood Council. The alliance was brief. Mr. Hayden testified that there was a "very unpleasant split" with the neighborhood council. By the end of the summer of 1964, however, the SDS group had organized in Newark, and when the students left town local people became full-time organizers. The group was renamed the Newark Community Union Project (NCUP).

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

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

An incident that many believe might have started a riot in Newark came in 1965. A Negro, Lester Long Jr., had been arrested on traffic charges and shot dead by Policeman Henry Martinez, reportedly while fleeing the police car. The first newspaper report on the morning after the shooting quoted an officer as saying that the policeman had stumbled and fired the fatal bullet accidentally. A later report said he had aimed and fired. The Negro community noted the contradiction and the reaction came quickly.²⁰ CORE held marches and scheduled Wednesday night meetings in Military Park, inviting the civil rights leader James Farmer to one of them. Mr. Spina²¹ says the downtown night meetings frightened merchants and caused them to lose business, but CORE refused to call them off.

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

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

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

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

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

in financing his campaign. Mr. Gibson²² feels, however, that by now he could get financial support from the white business community if he ran again for Mayor.

POST-ELECTION ISSUES

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

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

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

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

Mr. Malafronte described the administration's strategy:²⁴

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

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

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

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

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

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



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

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

Late in 1966, the school agreed to come to Newark on assurance that the City would produce 50 acres within a year and 100 more on the school's call. The City asked where the school wanted its first 50 acres and the request was not for cleared land, but for 50 acres across from cleared land. Mr. Malafronte said:

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

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

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

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

76% wanted the school to locate in Newark.

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

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

47% wanted to move out of the area anyway.

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

On March 29, 1967, a store on South Orange Avenue was rented by Clinton Bey, who gave his telephone number as that of UCC Area Board 3.²⁵ Then a man who called himself Colonel Hassan of the black liberation army—actually Albert Osborne of Washington, D. C.—took over the storefront on South Orange Avenue and announced a rally there against the medical school. The rally was scheduled for April 28, 1967. Colonel Hassan's presence disturbed the City Administration, and the police toured the Negro area displaying copies of his arrest record (he had been held on charges of writing bad checks) in an attempt to discourage attendance at the rally.²⁶ They failed. Among those



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

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

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

THE PARKER-CALLAGHAN DISPUTE

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

On May 23,³⁰ the National Association for the Advancement of Colored People proposed that City Budget Director Wilbur Parker, the first Negro to become a Certified Public Accountant in New Jersey, be appointed to the post on the Board of Education. Mr. Callaghan is a former labor official who never went to college. Besides his council post, he held a \$10,800 a year job as secretary to the Essex County Purchasing Agent.

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

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

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

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

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

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

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

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

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

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

Newark's mood was ugly.

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

MAYOR ADDONIZIO AND NEGROES

In 1962, there were no Negroes in City Hall positions of any note. The Addonizio Administration now points with pride to the number of Negroes appointed to high positions.³⁸ They include Mr. Stalks; Grace Malone, director of the Division of Welfare; Budget Director Parker; and Harold Ashby, president of the Board of Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

GRIEVANCE PROCEDURES

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

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

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

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

THE CITY COUNCIL

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

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

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

The first troubles in the Addonizio Administration stemmed from this. Councilmen insisted on being involved in the day-to-day government and on receiving a share of the patronage.⁴¹ Councilmen deal directly with department heads in the City government.

THE FISCAL PROBLEM

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

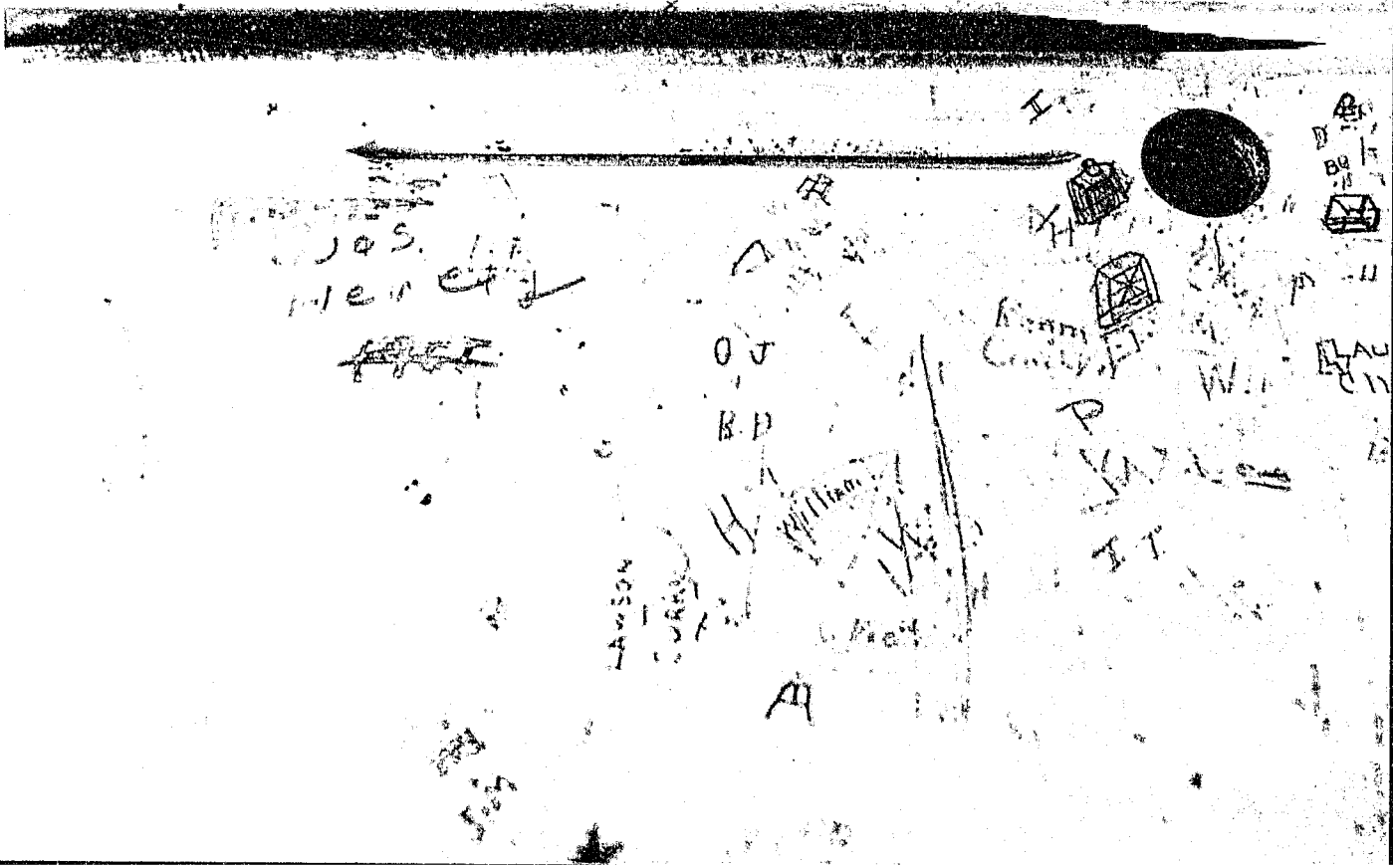
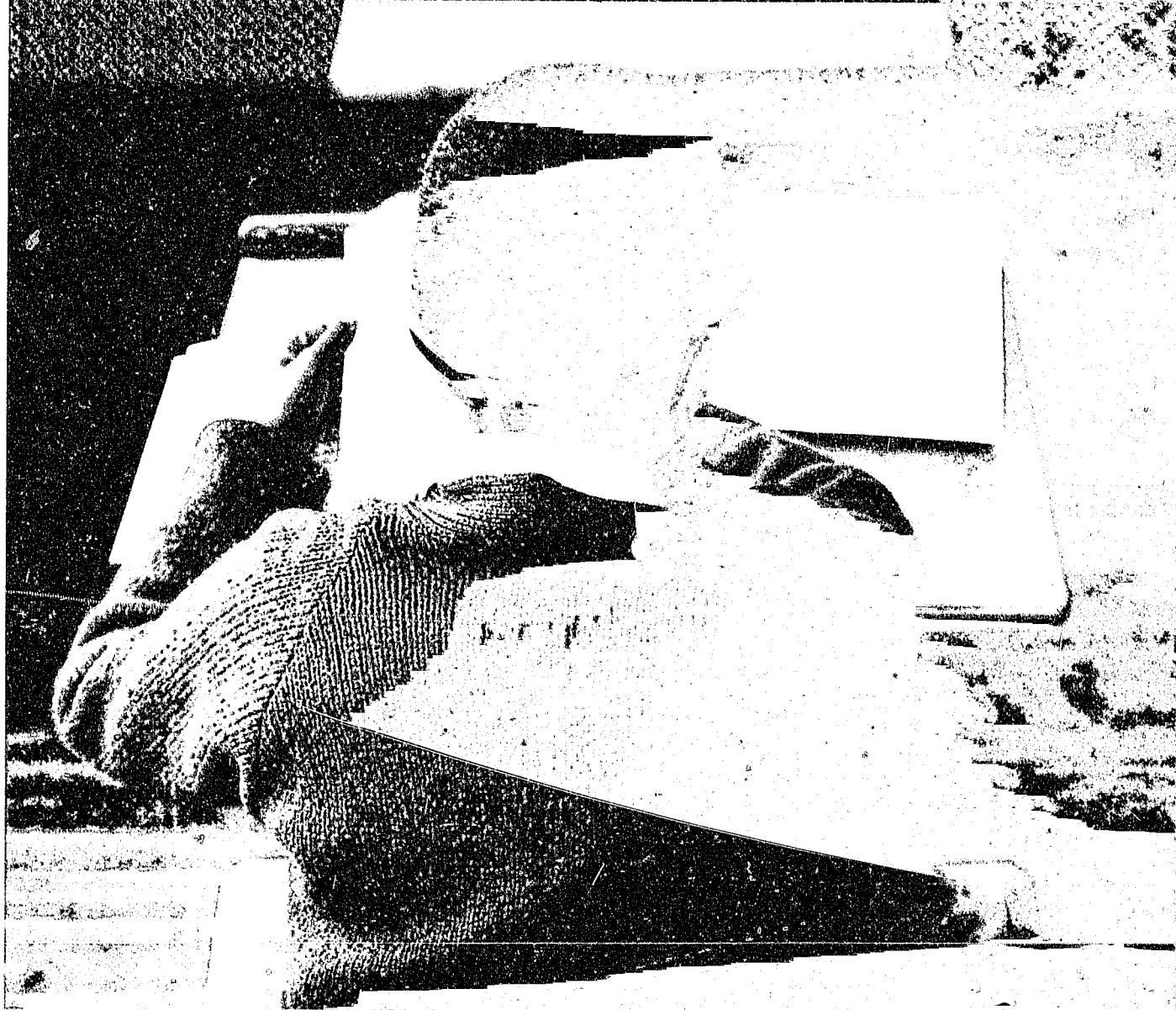
It has a total of 15,085 acres within its boundaries. Of this, 9,139.94 is tax-exempt. The Port Authority accounts for nearly a third of that amount and pays a million dollars a year for it. Originally the lease, signed in 1947, provided an annual rent of \$128,000.⁴³ In 1962, the City of Newark brought a suit, which it won in 1966. The result was a lump settlement of \$6 million, plus an increase to the present amount of rent. Another suit is pending, in which the city hopes to win a further increase.

The public housing situation further limits the city's tax base. Last year, the city collected only a little more than half a million dollars on the housing authority's property, which has an assessed value of \$144,293,700.⁴⁴

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

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

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



A PERVASIVE FEELING OF CORRUPTION

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

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

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

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

The presentment said:

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

In December, 1965, the Grand Jury returned another presentment on gambling enforcement. Mr. Spina's public response was to label it "vicious." In a newspaper story on Dec. 1, 1965,⁴⁶ he challenged Prosecutor Brendan Byrne to show him the organized gambling in Newark. Within 48 hours, the Prosecutor's Office raided two apartments in Newark and charged 15 people found in them with operating a lottery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Police

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

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

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

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

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

PERSONNEL POLICIES AND PRACTICES

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

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

HOW ONE BECOMES A POLICEMAN

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

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

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

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

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



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

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

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

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

WHO IS A NEWARK POLICEMAN?

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

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

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

THE RECRUITMENT PROBLEM

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

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

In discussing his recruitment problems, Mr. Spina said:

"We have had constant problems since I have been police director in trying to recruit and we tried everything. You name the scheme or the idea and we have tried it."¹⁶

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

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

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

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

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

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

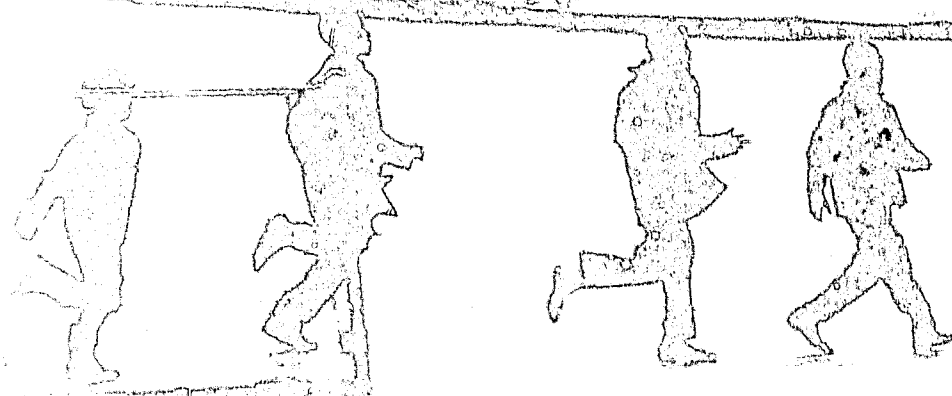
"We are operating out of antiquated facilities. You can't get the best out of personnel."¹⁶

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

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

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

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



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

THE MATTER OF IMAGE

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

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

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

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

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

PROMOTIONS, ASSIGNMENTS AND DISCIPLINE

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

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



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

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

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

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

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

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

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

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

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

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

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

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

"I believe that assignments are made on the basis of politics."²³

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

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

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



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

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

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

Disciplinary Proceedings, Newark Police Department

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

Source: Inspection Office, Newark Police Department.

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

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

COMPLAINTS OF DISCRIMINATION

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

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

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

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

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

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

POLICE-COMMUNITY RELATIONS

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

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

"I know the Mayor so well and I know the City Council so well."²⁶

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

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

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

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

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

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

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

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

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

COMMUNITY ATTITUDES

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

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

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

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

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

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

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





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REALTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interviews with the community and NLSP lawyers revealed that people fear some form of police retaliation or harassment as a result of filing a complaint against the Police Department.³⁸ Another frequent criticism is that after a citizen makes a complaint, he never hears about it again. This is partly because complaints of police brutality generally do not reach the police trial stage. Mr. Spina has not made public any information regarding the disposition of a complaint. In testimony before this Commission, he said that he erred in not publicizing the results of trials and that he would publish every finding of guilt in the future.

On Sept. 15, 1965, Mayor Addonizio reported that the Human Rights Commission was split 6 to 6 on establishing a police review board.³⁹ The Mayor decided not to establish such a board, but to adopt new procedures in dealing with charges of police brutality. He proposed that all future complaints be referred to the F.B.I. and to the Essex County Prosecutor's Office for investigation.

OTHER AVENUES FOR REDRESS

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

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

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

"Police brutality cases are the most difficult kind of criminal cases. Evidence is hard to come by even when the arrestee is in the hospital. No one has seen anything. Unless the case is really bloody, the jury will assume it wasn't serious enough to warrant punishing the officer."⁴⁰

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

"What we're doing should not be construed as review."⁴⁰

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

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

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

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

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

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

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

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

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

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

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

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

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

The Municipal Court

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

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

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

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

THE BAIL SYSTEM

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

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

Bail for the sort of offense tried in Part I of Municipal Court normally ranges from \$100 to \$2,500. In most cases, bail is set at \$250, \$500, or \$1,000.⁴ Bail in this range is commonly posted through a professional bondsman. The bondsman's fee for a \$250 bail would be \$34; for \$500, \$50; and for \$1,000, \$100.⁵ Such large cash payments either are prohibitive or represent a hardship for a poor person. In addition to the fee, the bondsman sometimes demands collateral as security.⁶

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



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

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

After their first appearance in Municipal Court, those defendants who have not posted bail, and whose cases have not been disposed of, are taken to the Essex County Jail at Newark Street. A recent check revealed about 150 prisoners awaiting trial in Municipal Court.¹¹ The average time such a prisoner waits in jail is two weeks.¹²

The Newark Street jail was designed to accommodate 308 prisoners, but a recent check showed the average number held to be 433.¹³ The cells are about the same size as those in the police cell block, but are better equipped.¹⁴ The beds have thin mattresses and sheets, and the toilets have seats. Although there is a small light bulb outside each cell, reading would be difficult. A corrections officer said that he considered the amount of space in the 230 cubic-foot cells adequate but there was certainly not any room to spare.¹⁵ Since the jail is overcrowded, some men do not have cells but sleep on cots set up around the cell blocks. The Newark Street jail is scheduled to be replaced by a new structure, designed to hold 532 prisoners. It is likely to be overcrowded by the time it is built.

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

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

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

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

The total cost of the bail system is enormous. Beyond the price it exacts from individuals, there is the social cost in family dislocation and lost jobs caused by the jailing of wage earners. The Government bears part of this cost in increased welfare expenses. Jailing defendants who cannot raise bail also increases the cost of running the jail. Just to feed an extra prisoner for a day costs \$0.62.²² If the situation on the day of the check at the Newark Street jail is typical, more than \$33,500 a year is spent to feed prisoners awaiting trial in Municipal Court.

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

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

THE COURT IN ACTION

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

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

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

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

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

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

Judge Del Mauro explained that, although lawyers are important in Municipal Court, defendants who waive their right to be represented know what they are doing.³⁵ He said that some of them had been before the court many times and were experienced enough not to need lawyers. Nevertheless, examination of case records reveals that representation by counsel is a crucial factor³⁶—29% of those represented by lawyers were not found guilty while only 13% of those not represented were not found guilty. Of those convicted, 33% of those represented were given jail terms, while 50% of those not represented were committed to jail. It seems clear that a person without a lawyer is at a substantial disadvantage both in determination of guilt and in sentencing.

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

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

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

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

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

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

WHAT A DEFENDANT SHOULD KNOW

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



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

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

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

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

The sentences in Part I of Municipal Court, which handles the more serious cases such as disorderly persons offenses and some misdemeanors, are about equally divided between jail terms and lighter sentences.⁴⁹ Most of the jail terms are short—for three months or less. The lighter sentences are mostly suspended jail terms, usually in conjunction with probation and a fine.

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

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

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

The Economic Framework

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

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

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

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

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

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

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

What is left is a racial and economic ghetto. A vast portion of Newark can now be called that. The number of black and Spanish-speaking people has steadily increased until they represent more than 60% of the city's population. Of the remaining whites, a quarter are in the 55-and-above age bracket,⁴ further underscoring the trend toward a completely nonwhite city. Meanwhile, many of the nonwhites are compressed in the tightly packed central core. The area of Newark defined as "core" in the recent Rutgers survey now holds a population that is 90% Negro, in contrast to 68% in 1960.⁵ This same suffers from an acute unemployment rate, which soars to almost 40% among teen-

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

WIDENING OPTIONS

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

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

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

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

About one-third of the housing stock in Newark—some 40,000 units—is substandard or dilapidated.¹⁵ An estimated total of 17,000 households are poor and subsisting on less than \$3,000 a year, and 22,000 other households realize only from \$3,000 to \$4,999.¹⁶ At present, there are 13,592 units of public and moderate income housing in existence or being built.¹⁷ Newark's Model Cities application contemplates building only 5,000 new

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

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

AN ASSESSMENT OF PRESENT RESOURCES

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

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

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

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

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

* Rounded off.

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

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

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

STATE AID

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

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

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

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

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

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

On welfare and other personal services expenditures, including allocations for hospitals, correctional institutions and employment security, New Jersey again ranks low, spending \$37.17 per capita, whereas the median is \$62.69 and the average is \$54.15.²³

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

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

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

	Total Revenue	From Federal Government	Property Taxes	Other Taxes
U. S. Average	423.96	66.98	125.96	163.74
Median State	427.48	76.24	121.02	154.29
Connecticut	424.46	53.58	161.42	154.29
Delaware	518.43	77.16	64.29	257.40
Massachusetts	444.71	60.65	189.59	145.53
NEW JERSEY	382.77	39.88	186.00	101.85
New York	528.33	45.58	166.82	243.11
Pennsylvania	361.13	50.00	87.77	173.05
Lowest State	280.27	39.88	32.99	70.25
Highest State	840.66	373.09	198.34	286.19

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

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

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

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

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

the municipalities for use in education, the present school aid formula would give Newark less than a formula based merely on population size. Under the present formula, Newark receives 4.8% of total State funds whereas, on a population basis it would get 5.7%.²⁰

EXAMINATION OF THE PROPERTY TAX

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

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

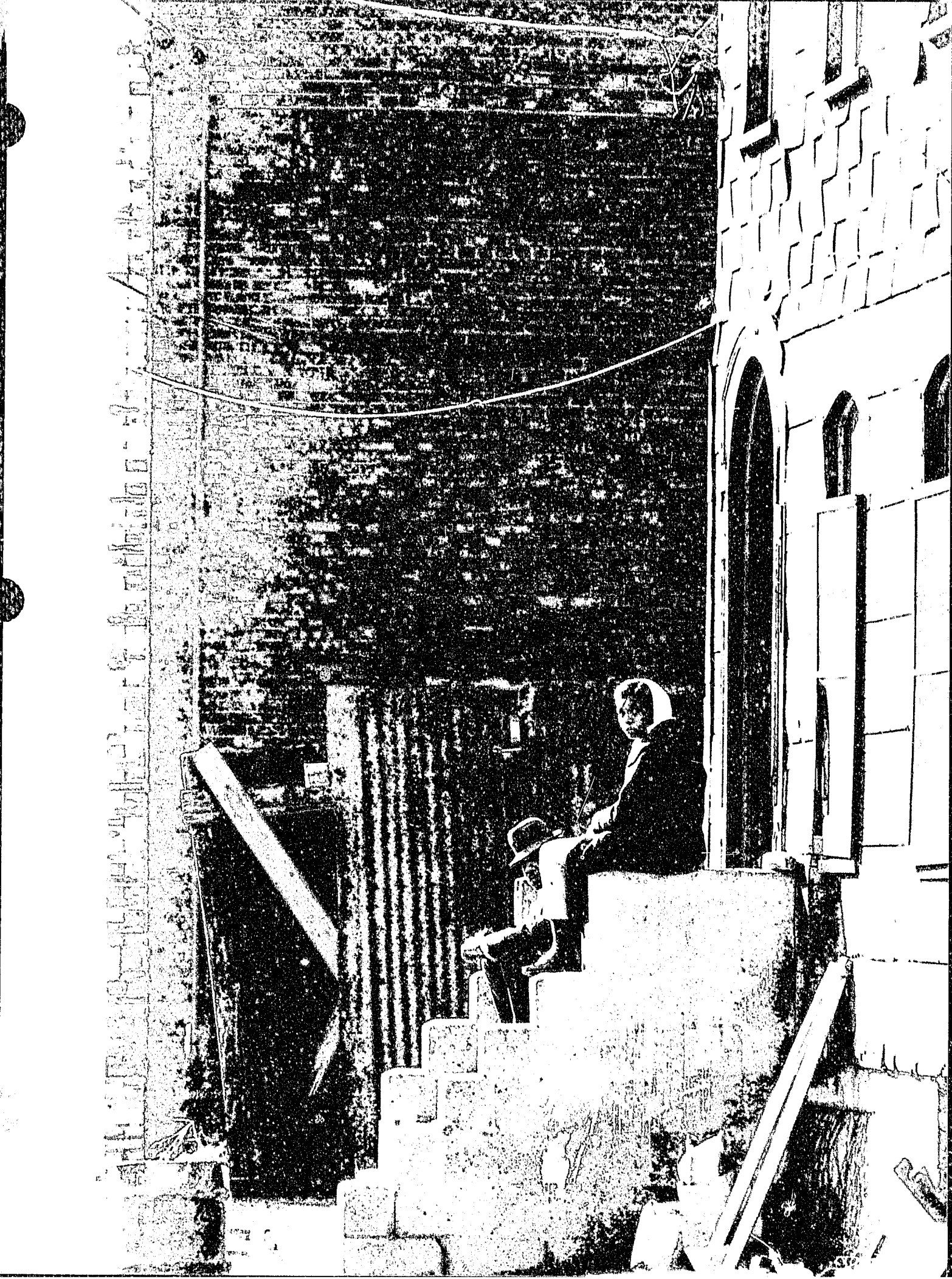
By placing the bulk of the financial burden of governmental services on the ownership of property, and by placing the responsibility for collection of revenues on local governments, New Jersey has allowed extreme inequities to develop between the resource-poor cities and the affluent communities of the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

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

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

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

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



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

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

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

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

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

FEDERAL AID

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

THE IMMEDIATE FUTURE

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

capita basis, Newark would get \$15.4 million more. If it were distributed on a per-poor-family basis, Newark, with about 6.6% of New Jersey's poor, would get \$17.5 million more. The City's proposed formula for a tax rebate, which also takes into account the commuter population of the city by day, would produce \$17 million.³⁰ Even if the state doubled its potential new revenue source, the amount will not produce for Newark anywhere near what it needs for a program that might have a measurable effect on its problems.

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



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

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

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

THE PRIVATE SECTOR

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

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

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

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

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

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

Housing

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

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

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

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

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

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

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

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

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

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

PUBLIC HOUSING

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

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

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

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

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

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

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

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

Mr. Danzig said:

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

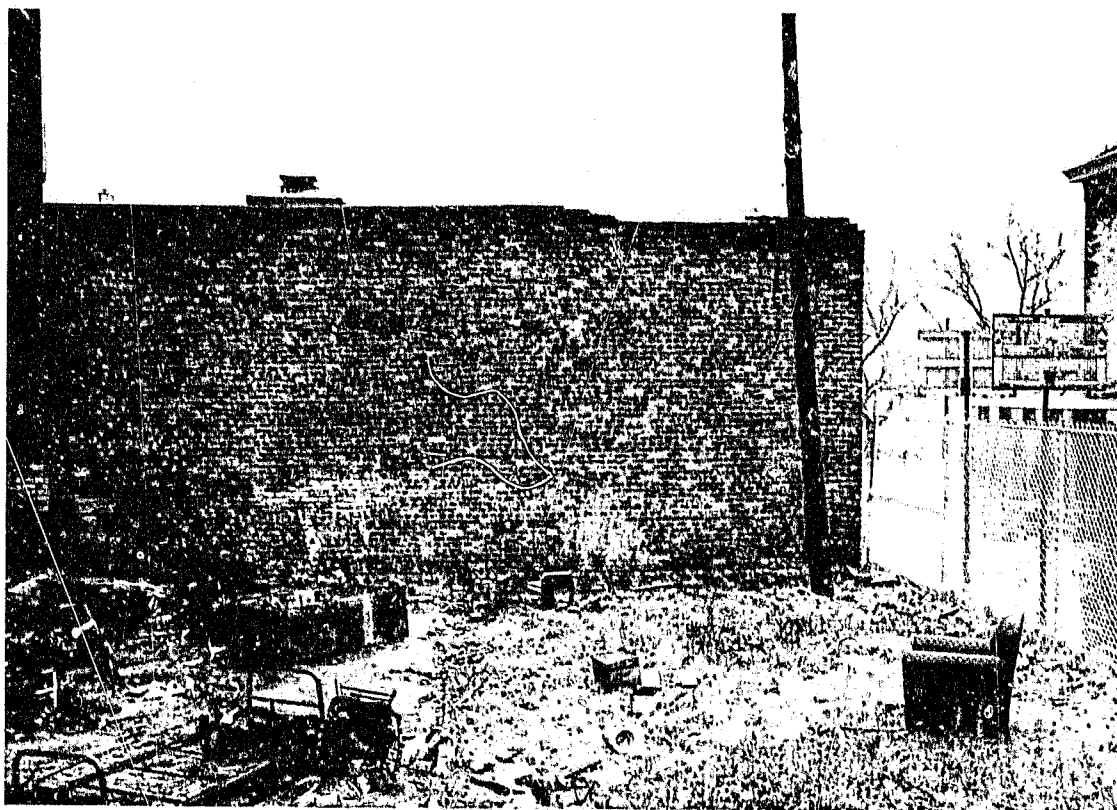
He said he would not build any more high-rise projects for large families.¹¹

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

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

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

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



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

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

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

THE PRIVATE SECTOR

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

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

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

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

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

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

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

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

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

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

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

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

have an annual surplus of about \$800.¹⁹ Part of this sum could be spent on improvements and a higher level of upkeep, and there would still be some left as extra income for the landlord.

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

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

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

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

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

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

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

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

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



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

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

URBAN RENEWAL AND CITIZEN PARTICIPATION

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

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

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

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

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

State law, too, requires a public hearing to be held before an area is declared blighted, and before preliminary plans are submitted to Washington. The New Jersey statute²⁸ says that the public meeting is "for the purpose of hearing persons interested in or who would be affected by a determination that the area is a blighted area . . ." Notice must be sent to "the last owner, if any, of each parcel of property within the area, according to the assessment records of the municipality, and to any and all persons . . . whose names are noted . . . as claimants of one interest in any such parcel." The statute adds that "failure to mail any such notice shall not invalidate the investigation or determination thereon."

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

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

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

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

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

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

The statistics on the quality of vacancies support the views of the people in the area.⁸³ The FHA's Analysis of the Newark, Housing Market of May 1, 1965 said the estimated number of adequate vacant housing units available for rent or sale was 2,575, or 1.9% of the total housing supply.⁸⁴ Rutgers the State University's more recent and detailed study showed a total of 8,995 vacant units in the city—a 6.7% vacancy rate.⁸⁵ The city's reckoning at the end of November was that 5,366 units were available for rent and 109 for sale.⁸⁶

The Rutgers study said that, if the total of units "in poor condition" was calculated, only 4,133 vacant units were actually available.⁸⁷ The study found that a substantial part of the housing outside the core area (3,223 of these 4,133 units) was too high-priced for the people who would need relocation. Data provided by Joseph P. Nevin, NHA consultant, do not show how many vacant units have heat, hot water, toilet facilities and other basic equipment. Given an admittedly inadequate inspection system,⁸⁸ the fact that a dwelling unit is classified "standard" is no guarantee that it is habitable.

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

STATE PROGRAMS

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

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

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

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

There have been improvements since 1963, when the division was transferred from the Education Department to the Office of the Attorney General. Some administrative reforms recommended by Prof. Alfred A. Blumrosen of Rutgers the State University, following a 1962-63 study,⁸⁹ were implemented. But in 1967 Prof. Arthur Frakt⁹⁰ still found the division grossly underfunded, understaffed and inadequately supported by

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

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

PLAINFIELD

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

A WORD ABOUT ENGLEWOOD

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

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

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

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

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

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

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

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

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

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

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

BASIC POLICY ISSUES

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

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

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

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



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

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

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

Employment

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

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

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

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

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

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

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

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

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

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

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

TABLE 2
Unemployment Rate Among Males in Newark, Spring 1967

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

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

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

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

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

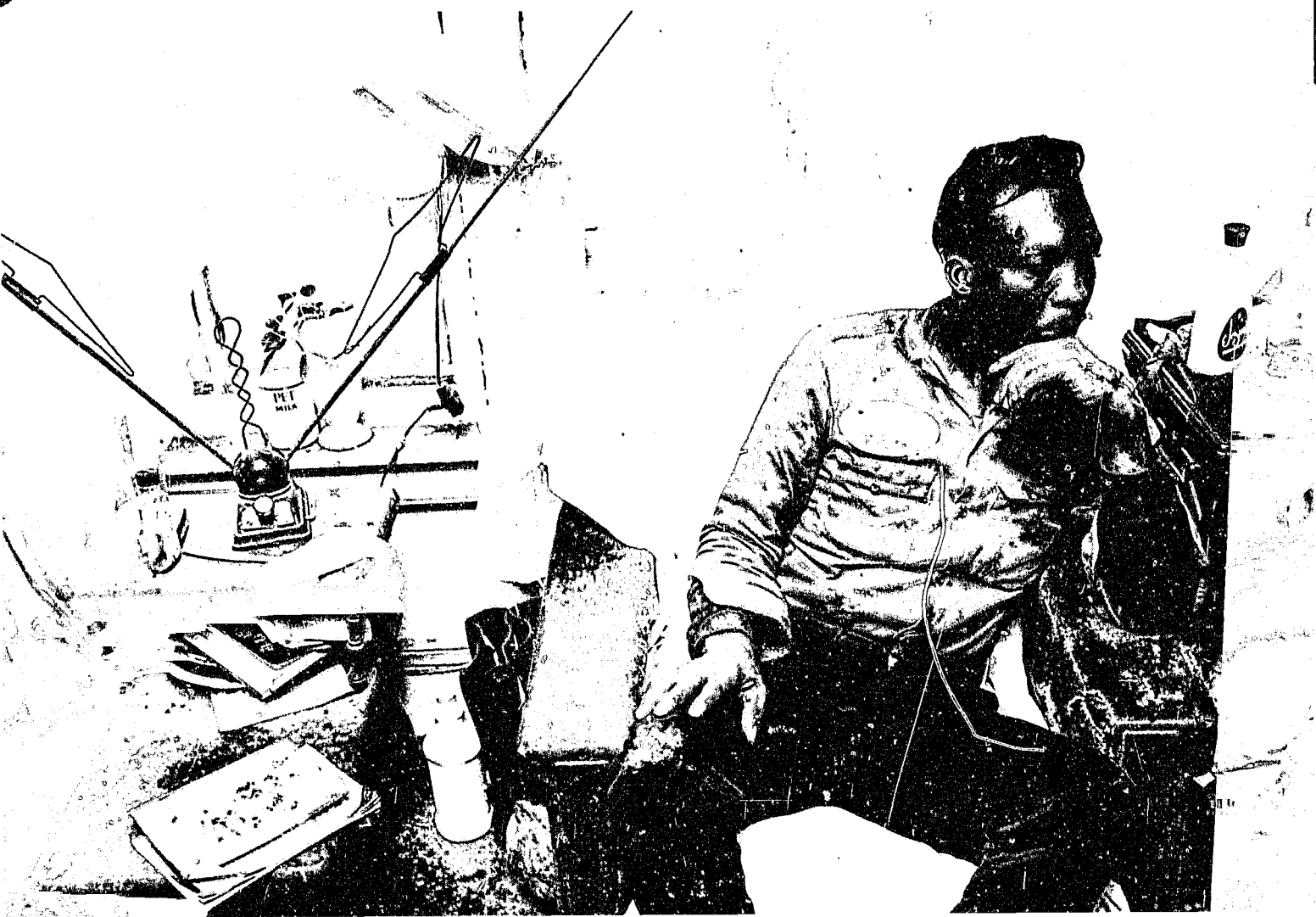
Furthermore, a great many Newark Negroes lack the experience and training necessary to step into white-collar and craft jobs. Only 17.9% of Negro males hold white-collar jobs while 70% have blue-collar positions. The figures for white males are 43.4% and 46.1% respectively.⁶

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

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

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

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



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

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

PRESENT EFFORTS

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

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

INFORMATION AND REFERRAL

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

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

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

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

TRAINING

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

Here are just a few examples to illustrate the point:

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

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

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

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

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

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

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

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

United Community Corporation (Recruitment of trainees, day care)

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

Urban League (Orientation, assistance in job seeking)

New Jersey Employment Service (Testing, counseling, placement)

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

Blazer Work Training Program (Work experience)

COPE, a Neighborhood Youth Corps agency (Work experience)

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

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

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

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

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

BROADENING JOB OPPORTUNITIES

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

BUSINESS AND INDUSTRY

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

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

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

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



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

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

THE PUBLIC SECTOR

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

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

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

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

UNIONS

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

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

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

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

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

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

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

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

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

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

BIAS IN JOBS

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

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

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

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

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

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

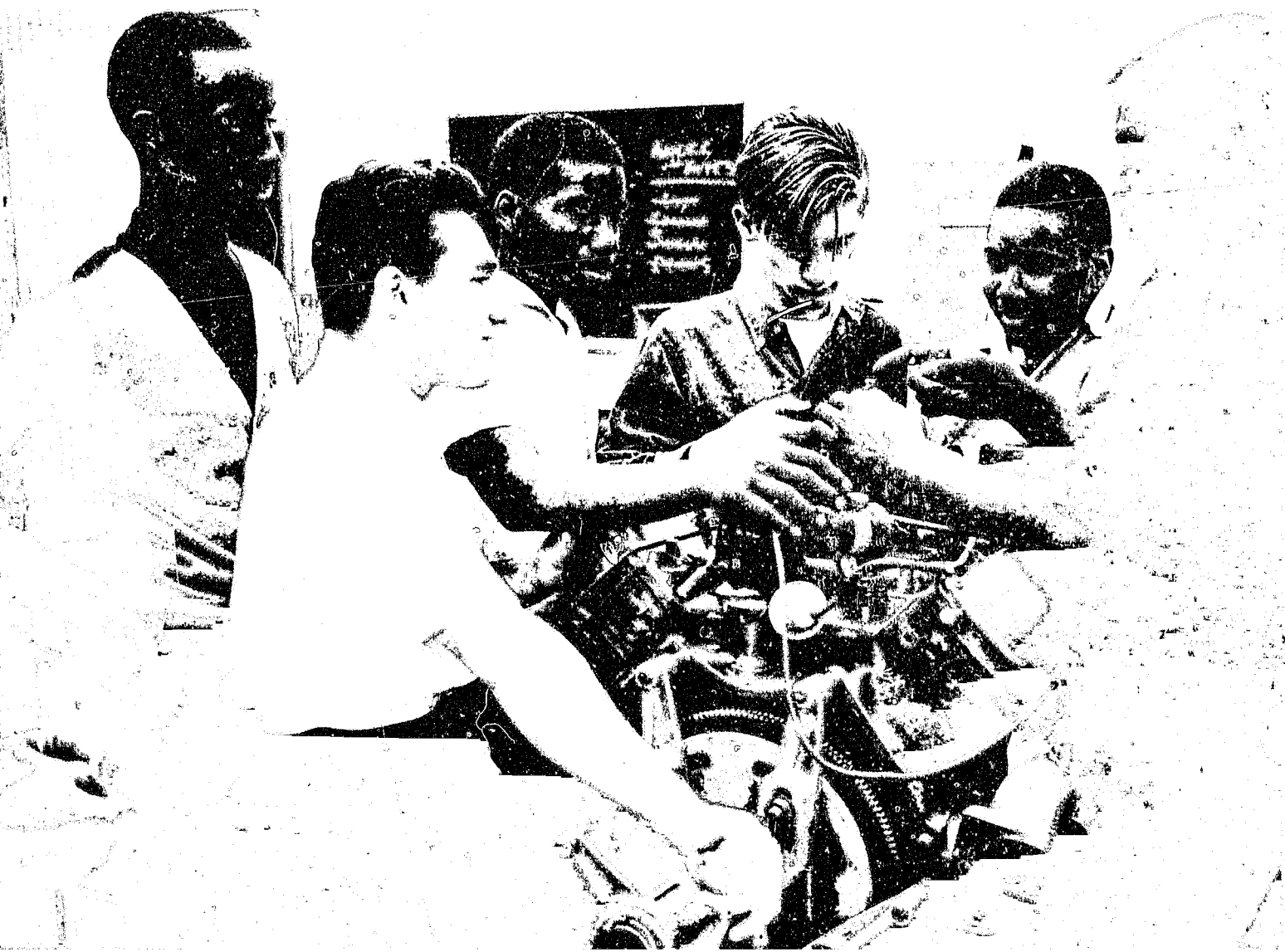
In response to criticism of the division, responsibility for enforcement of equal opportunity laws was placed in the office of the Attorney General, who was then to direct the activities of the division. A more recent study published by the Rutgers Law Review and written by Prof. A. N. Frakt concluded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

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

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

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

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



Public Schools

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

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

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

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

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

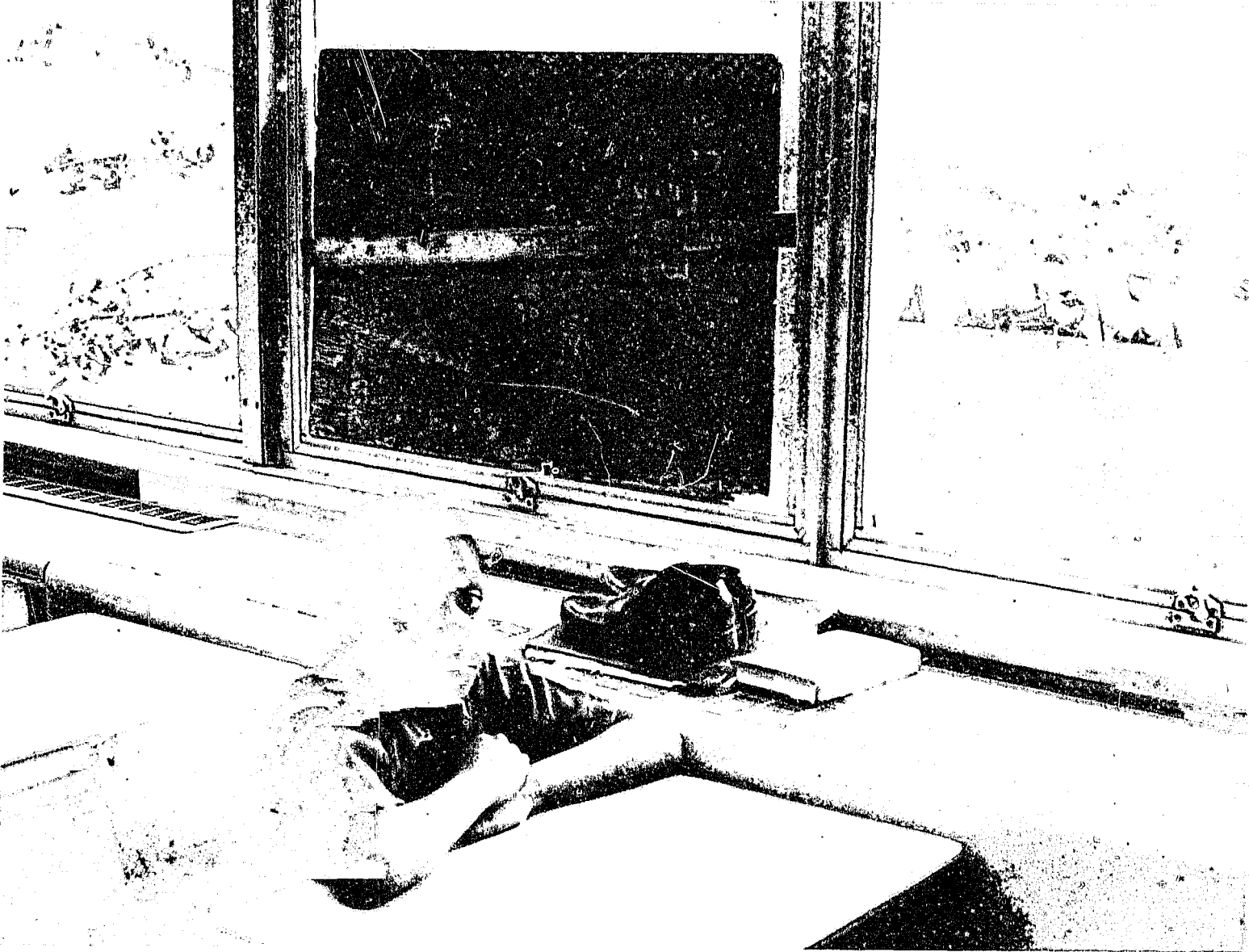
At the same time, it is clear that school integration is not moving ahead fast enough to benefit thousands of children in the schools of our ghetto neighborhoods who need a good education now—not next year or five years hence. And since education is perhaps the single most important key to escape from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

THE PRESENT SITUATION

It is a matter of public record that Newark has reached its bonded indebtedness limit. As recently as Nov. 28, 1967, the Board of Education was notified by the City that the new school construction totaling \$51 million will have to be delayed indefinitely.² The Newark Public School System is some \$250 million behind in capital funds needed to bring the present physical plant up to date.³

Thirty-one of the 75 school structures in Newark were built in the last century. Forty-four buildings are more than 50 years old. Although many of these schools have had extensive alterations, they remain aged, functionally unsatisfactory and costly to maintain.⁴

The educational impact of this obsolete physical plant is reflected in these figures: In September, 1966, there were 49,240 pupil stations and 50,292 pupils in the elementary schools. This meant that the schools were short 6,052 places.⁵ The Superintendent of Schools and his staff estimate that the shortage in September, 1967, was closer to 10,000



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

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

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

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

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

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

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

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

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

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

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

THE DROPOUT PROBLEM

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

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

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

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

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

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

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

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

Welfare

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

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

THE RISING CASELOAD

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

The five categorical programs are:

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

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

AMOUNTS EXPENDED FOR OLD AGE ASSISTANCE, DISABILITY ASSISTANCE, ASSISTANCE FOR THE BLIND, MEDICAL ASSISTANCE FOR THE AGED, ASSISTANCE FOR DEPENDENT CHILDREN AND GENERAL ASSISTANCE AND THE AMOUNT EXPENDED FOR 1963, 1964, 1967

	1960	1964	1967
O.A.A.	\$19,916,975	\$13,311,083	\$13,111,713
D.A.	7,085,971	8,948,574	12,282,678
A.B.	0*	928,715	1,041,611
M.A.A.	0*	11,133,906	20,760,250
A.D.C.	23,911,107	52,143,700	78,754,880
G.A.	11,752,572	14,878,467	16,137,943
Total	\$62,666,625	\$101,344,445	\$142,089,075

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

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

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

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

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



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

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

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

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

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

STAFF NEEDS

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



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

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

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

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

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

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

AVENUES TO CHANGE

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

Above all, Mr. Titus and other experts searching for solutions desire a cut in class sizes. At present, the average is 33 pupils a class, with one class of 44, one of 43—both at Alexander Street School—three classes of 41, and 14 classes of 40.²⁹

THE CAMDEN STREET SCHOOL PROJECT

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



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

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

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

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

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

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

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

BRINGING SCHOOLS CLOSER TO THE COMMUNITY

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

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

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

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

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

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

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

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

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

CONTINUED

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

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

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

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

STRAINS AND STRESSES

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

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

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

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

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

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

Critics of the system say this provision is one of the causes of the breakup of families in disadvantaged communities. The State Board of Public Welfare and the State Board of Control—the policy making body for the Department of Institutions and Agencies—have asked the Legislature repeatedly⁴ to take action so that aid to dependent children may become available to families where the father is unemployed or underemployed.

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

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

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

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

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

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

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

- Can we continue to keep vast and rising numbers of people at the margin of poverty, without major efforts to give them an option to become self-sustaining and part of the normal economic and social life of the society?
- Should not the elimination of poverty rather than the overcoming of want be the goal of welfare?
- Should not the welfare system become an active force in helping the client to become economically independent, rather than supporting him until age or circumstance removes him from the rolls?

A WORD ABOUT NEW FEDERAL LEGISLATION

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

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

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

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

Antipoverty Programs

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

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

In its three years, the UCC has scored successes in two fields. The amount of money the organization has been able to draw into Newark has been high from the outset in comparison with other communities in New Jersey and in other parts of the nation. By November, 1965, for instance, the UCC had received \$3.6 million or nearly two and a half times the amount of \$1.5 million originally allocated to the organization by the Federal Office of Economic Opportunity (OEO). According to current estimates, the UCC by the fall of 1967 had received \$12 million, of which about \$4.8 million applies to the nine-month period ended on Jan. 31, 1968.¹ More than 1,000 jobs have been made available annually through the UCC and UCC-sponsored programs. Clearly, these sums are far from adequate in terms of the need—a problem Newark shares with all other large cities. The UCC's success was in getting a large piece of the small national pie.

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

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

That being the goal, "UCC was amazingly effective."²

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

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

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

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

A TROUBLED HISTORY

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

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

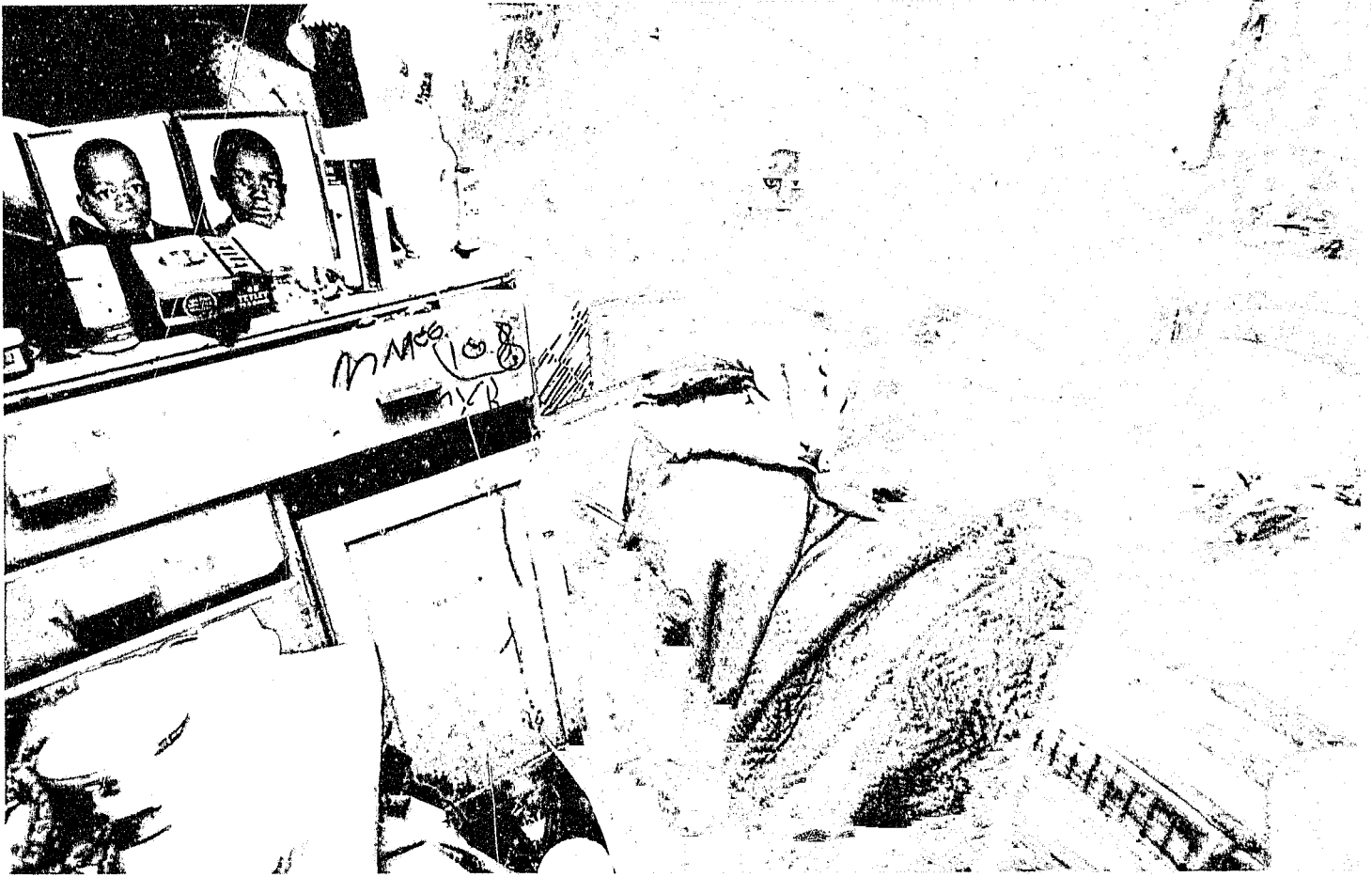
Relations between the UCC and the community it seeks to serve have also had their ups and downs. Interviews with community people indicate that prior to the summer disorders, the UCC's prestige was on the decline in the community. People appeared to be puzzled by the complicated structure of the organization,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

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

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

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

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



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

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

The attitude of the City Council has exacerbated the relationship between the UCC and Newark's political leadership. From the beginning, the Council has tied conditions on grants of matching city funds to the organization. Moreover, the Council has contributed only \$28,503 in such matching funds—a fact which has generated a good deal of bitterness in segments of the black community. New York City by contrast provided approximately 30% of the funds out of local tax levies for the Human Resources Administration out of a \$109 million budget for 1966-67.⁹

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

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

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

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

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

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

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

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

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

PROGRAMS: AN EVALUATION

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

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

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

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

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

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

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



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

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

UCC LEADERSHIP

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

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

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

THE UCC AND THE RIOTS

The UCC's role during the riots has given rise to much conflicting comment. Its personnel and delegate agencies were engaged in a variety of activities in connection with the disorders. A number of its board members and employees addressed the crowd near the Fourth Precinct on the initial day of the disorders and attempted to organize those present. Staff members also called for a demonstration the following day. Testimony by UCC officials before the Commission was to the effect that these activities were designed to channel the emotions of the crowd into a nonviolent demonstration. Police authorities disagreed and felt that the UCC added to their difficulties. On the basis of the evidence it has heard, the Commission does not find that UCC activities were designed to worsen the situation. This finding was also made by the Federal Office of Economic Opportunity.¹⁰

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

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

PLAINFIELD

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

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

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

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

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

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

ENGLEWOOD

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

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

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

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

Health

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

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

According to the National Commission on Community Health Services:

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

PROBLEMS OF NEWARK CITY HOSPITAL

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

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

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

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

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

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

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

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

NEW APPROACHES

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

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

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



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

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

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

- A wider variety of cases.
- The availability of ample manpower to staff the institution and to train staff for the many professional and ancillary skills required in modern medicine.
- Close association of the staff made possible in a compact setting. This is deemed important by medical specialists in view of the teamwork that is becoming the hallmark of modern medicine.

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

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

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

In addition, the College would bring new medical resources to a community that faces a critical shortage of doctors. Newark today has one doctor for every 757 residents. It has lost 180 doctors since 1955.¹⁰

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

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

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



Growth and Problems of the Spanish-Speaking Community

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

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

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

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

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

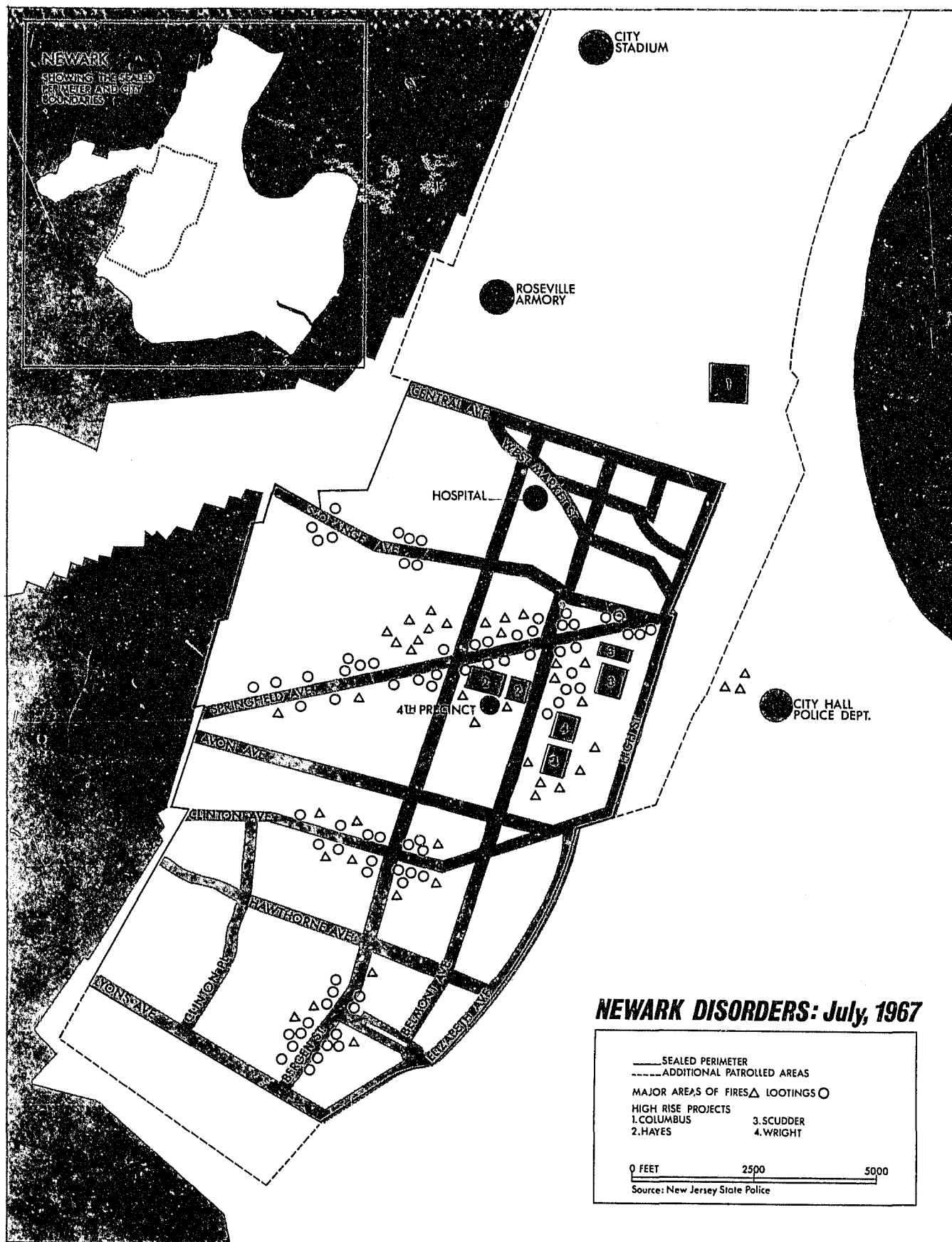
All municipal, county and State agencies in areas with substantial numbers of Spanish-speaking inhabitants should employ an adequate number of bilingual staff to communicate with, and serve, the Spanish-speaking population. This applies particularly to providing services that are critical to this population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

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

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

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

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



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."¹

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."²

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.³

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."⁴

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."⁵

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."⁶

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.⁷ 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.⁸

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."⁹ 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.¹⁰ 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.¹¹ 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."¹² 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."¹³

The mood of the crowd outside the precinct was growing increasingly tense.¹⁴ 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.¹⁵ 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."¹⁶

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.¹⁷

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.¹⁸ Timothy Still, president of the board of the United Community Corporation, said he was told that Mr. Smith had been paralyzed.¹⁹

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. . . ."²⁰ 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.²¹ 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.²² 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.²³

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."²⁴ 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."²⁵

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?"²⁶

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.²⁷

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.²⁸

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."²⁹

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."³⁰ 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.³¹ 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.³²

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."³³ 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-

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

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.³⁷

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."³⁸

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'." ³⁹ 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."⁴⁰

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."⁴¹

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."⁴² 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."⁴³

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."⁴⁴ 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.⁴⁵

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."⁴⁶

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."⁴⁷

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."⁴⁸ 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.⁴⁹ 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."⁵⁰

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."⁵¹

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."⁵²

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?"⁵³ 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.⁵⁴

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."⁵⁵

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."⁵⁶

THURSDAY

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

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,"⁵⁸ but of Thursday he said, "Well, of course, it was a tense day, but the tensest people around were the newspapermen and television men."⁵⁹ 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.⁶⁰

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 . . ."⁶¹

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."⁶²

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."⁶³

According to Mr. Harris, the Mayor wanted 48 hours to consider these requests.⁶⁴

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.⁶⁵

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."⁶⁶

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 PRECINCT⁶⁷

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."⁶⁸

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.⁶⁹

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.⁷⁰

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."⁷¹

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."⁷² 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."⁷³

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.⁷⁴ 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.⁷⁶ 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.⁷⁷ A film⁷⁸ 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.⁷⁹

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."⁸⁰

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."⁸¹

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.⁸² The police sought to establish a "secure working area" around the precinct.⁸³ 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."⁸⁴

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."⁸⁵ 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.⁸⁶

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."⁸⁷ 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."⁸⁸

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.⁸⁹

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

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."⁹²

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."⁹³ 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."⁹⁴

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.⁹⁵ 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."⁹⁶ Director Spina contended that Mr. Redden did not take this position until 1:30 A.M.⁹⁷ 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.⁹⁸ 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."⁹⁹

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.¹⁰⁰

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.¹⁰¹

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.¹⁰²

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 . . ." ¹⁰³ 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."¹⁰⁴ Colonel Kelly stated:

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

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.¹⁰⁶

On Thursday at 10:35 A.M., the State Police had alerted the National Guard.¹⁰⁷ 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.¹⁰⁸

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.¹⁰⁹ Governor Hughes said he had received one or two calls for help from Newark policemen who were "not in authority."¹¹⁰

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.¹¹¹

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.¹¹² The Governor then contacted several members of his staff and prepared to proceed to Newark.¹¹³

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."¹¹⁴ 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."¹¹⁵

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.¹¹⁶ 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.¹¹⁷ 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.¹¹⁸ 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.¹¹⁹ 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."¹²⁰ 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."¹²¹

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."¹²² 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."¹²³ The Governor observed, however, that Mayor Addonizio "almost completely withdrew from any sharing of the direction of this situation."¹²⁴

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.¹²⁵

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.¹²⁶ 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.¹²⁷

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.¹²⁸ 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.¹²⁹ 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.¹³⁰ 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.¹³¹ 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.¹³² Colonel Kelly testified:

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

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.¹³⁴ The Newark police could not supply maps of the city.¹³⁵ 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,¹³⁶ and then drew up a patrol sector plan, coordinating with Inspector Daniel Dughi of the Newark Police Department.¹³⁷ The plan divided Newark first into six, then into eight, and finally into 12 sectors.¹³⁸ Patrols were assigned on the basis of the size of an area, the incidence of gunfire and other relevant factors.¹³⁹

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."¹⁴⁰

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.¹⁴¹ 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.¹⁴² 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.¹⁴³

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.¹⁴⁴

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.¹⁴⁵ 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.¹⁴⁶

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.¹⁴⁷

As looting subsided, weapons fire grew more intense and became a serious problem.¹⁴⁸ Before Friday, only one sniping incident had been reported.¹⁴⁹ 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.¹⁵⁰

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.¹⁵¹

(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.¹⁵²

By Friday afternoon, Colonel Kelly felt that most of the looting activity had been brought under control and that the crowds had been contained.¹⁵³ 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.¹⁵⁴

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."¹⁵⁵

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."¹⁵⁶

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.¹⁵⁷

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.¹⁵⁸

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'."¹⁵⁹

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.¹⁶⁰

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.¹⁶¹

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.¹⁶²

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.¹⁶³

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."¹⁶⁴

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.¹⁶⁵ 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."¹⁶⁶

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.¹⁶⁷

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 . . ."¹⁶⁸

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.¹⁶⁹ Captain Moran was killed while answering an alarm.¹⁷⁰ Saturday night appeared to Colonel Kelly much like the night before.¹⁷¹

In the eyes of the Negro community, however, the character of violence Saturday night was changing.¹⁷²

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.'"¹⁷³

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."¹⁷⁴

Mrs. King said the police cars were numbered 530, 535, and 491.¹⁷⁵

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.¹⁷⁶

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" ¹⁷⁷

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. ¹⁷⁸

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. ¹⁷⁹

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. ¹⁸⁰

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." ¹⁸¹

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.¹⁸² 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.¹⁸³

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 17.¹⁸⁴

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.¹⁸⁵

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.¹⁸⁶

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."¹⁸⁷ 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."¹⁸⁸

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.¹⁸⁹ 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.¹⁰⁰

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.¹⁰¹ 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.¹⁰²

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.¹⁰³ 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.¹⁰⁴

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.¹⁰⁵ 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."¹⁰⁶

Governor Hughes testified that the efforts at pacification "were renewed early Sunday morning and were successful at that time."¹⁰⁷ 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."¹⁰⁸

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.¹⁰⁹

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."¹⁰⁰

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."²⁰¹

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."²⁰²

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.²⁰³

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."²⁰⁴

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."²⁰⁵

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."²⁰⁶

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.²⁰⁷

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.²⁰⁸

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.²⁰⁹

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."²¹⁰ 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."²¹¹

Several fire companies were unable to respond to calls because they were pinned down by gunfire.²¹² 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.²¹³

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.²¹⁴

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.²¹⁵

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".²¹⁶

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.²¹⁷ 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.²¹⁸

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.²¹⁹ However, Major Olaff of the State Police testified that State Police troops did not participate in riot control training with National Guard units.²²⁰

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.²²¹

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

"This has been an accepted crowd control procedure for many, many years in police circles, and I believe the Army also uses these procedures."²²³

In 1965 the State Police conducted surveys of the capabilities of local police forces (including those of Elizabeth, Jersey City, Paterson, Camden, and Newark) to deal with riots. The results of the survey indicated that police departments did not have enough gas masks, radio frequencies or barrier equipment to contain crowds. Newark was informed of certain equipment inadequacies, but the State Police had no authority to order compliance with recommendations or to supply the equipment deemed necessary. The survey was updated in 1966 and 1967, and it was found that no significant improvements had been made by any surveyed city in eliminating deficiencies.²²⁴

All municipalities included in the survey, including Newark, had "some sort of a plan that they would put into effect" in the event of riots.²²⁵ However, none of these plans was submitted to the State Police or the National Guard for review or approval. According to Colonel Kelly, the State Police had no authority to demand a review.²²⁶

Both the Governor and the National Guard relied for its intelligence on State Police observers located in the major cities. Prior to the Summer of 1967 the State Police intensified its investigations in potential trouble areas. Plainclothes observers were authorized to "go around and ask questions, meet people," to detect potential trouble.²²⁷

Two observers were assigned to Newark. To eliminate suspicion, the observers usually operated directly out of Newark Police Headquarters. In addition, all information gathered by State Police intelligence agents was to be given to the Newark police.²²⁸

During the spring and summer of 1967, the two State Police observers in Newark attended meetings of the Newark Planning Board and of the Board of Education. According to Colonel Kelly, prior to July 12, 1967, these observers "had no conclusive proof or evidence that there was going to be a disorder," but "we did get the feeling that something could happen."²²⁹

On June 7 the first and only high-level meeting between State and Newark law enforcement officials was held to discuss the possible responses in case of civil disorders. Present were the State Police Troop B Commander, Captain McElroy, with responsibility for the Newark area, Newark Police Chief Oliver Kelly, and other Newark police officials. Chief Kelly expressed concern that trouble might develop at three scheduled meetings—a June 12 hearing on the medical school—a June 27 meeting of the Board of Education—and the July 20-23 National Black Power Conference. Chief Kelly committed himself to keep the State Police informed of the situation. Doubt arose during the meeting about who was to request State assistance. Also discussed were plans for establishing an assembly point and a communications system.

As a result of the June 7 meeting, and on the basis of a new survey of Newark facilities, the State Police established an assembly point and command post at the Roseville Armory, which was chosen for its capacity to quarter troops and to store equipment.

As intelligence reports from State Police observers in Newark on incidents of "aggressiveness on the part of police, civilians or both" accumulated, the State Police tested their mobilization plan and recall system. They put their troops on standby alert in the latter part of June.²³⁰ On the basis of these reports, Colonel Kelly spoke to Director Spina. Colonel Kelly testified:

"The reaction we got from the City of Newark was everything was under control and they could contain and handle any situation."²³¹

The problem of communications between different police elements was of concern to Colonel Kelly. Even after the State Police had established its special communications

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.²³²

Colonel Kelly testified that this radio system was inadequate to meet the needs of a coordinated State-local effort to contain civil disorders.²³³ 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.²³⁴

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."²³⁵

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."²³⁶

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."²³⁷

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."²³⁸ 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.²³⁹ 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.²⁴⁰

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.²⁴¹

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."²⁴²

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."²⁴³ He said that even if the department had conducted riot training without publicity militant Negro groups would have found out about it.²⁴⁴

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."²⁴⁵

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."²⁴⁶

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.²⁴⁷

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,²⁴⁸ 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.²⁴⁰

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%.²⁵⁰ 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.²⁵¹

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.²⁵²

All adult prisoners were arraigned in the Municipal Court on complaints drawn up by policemen.²⁵³ 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.²⁵⁴ 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.²⁵⁵

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.²⁵⁶ These initial bail amounts were reduced at subsequent bail hearings.²⁵⁷ Both Prosecutor Byrne and Director Spina were of the opinion that uniform bail should be set initially in a riot situation.²⁵⁸

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.²⁵⁹

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.²⁶⁰ 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.²⁰¹ 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."²⁰²

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."²⁰³

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.²⁰⁴

Director Spina said that he did not want looters shot, but he added that this order was never given.²⁰⁵ 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."²⁰⁶

According to Chief Redden, this order remained in force for the Newark police throughout the disorders.²⁰⁷

State Police Orders

State Police officials reported that orders to their men were "to fire if fired upon."²⁰⁸ 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.²⁶⁹ 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."²⁷⁰

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

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.²⁷² 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.²⁷³ 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 command 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."²⁷⁴

Newark Police Weapons

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

Because of weapons shortages, Newark police officials granted "tacit approval" for the use of policemen's personal weapons during the disorders.²⁷⁸ 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.²⁷⁹ This practice had begun even before the riots.²⁸⁰ 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."²⁸¹

State Police Weapons

Weapons available to the State Police forces included 75 Reising and 66 M-1 rifles, as well as shotguns, carbines, three Thompson submachine guns and pistols.²⁸² 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.²⁸³

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."²⁸⁴

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."²⁸⁵

Because of this and because of the use by Newark policemen of personal weapons that fired "whatever ammunition fitted those weapons"²⁸⁶ 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.²⁸⁷

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.²⁸⁸

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.²⁸⁹ Director Spina confirmed that training in the use of tear gas had not been conducted, but he felt that little training was needed.²⁹⁰

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.²⁹¹

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."²⁹² He testified that he was most concerned about the lack of an auxiliary

generator to keep police communications in operation.²⁹³ 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.²⁹⁴

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.²⁹⁵ 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.²⁹⁶ 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."²⁹⁷

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."²⁹⁸ 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."²⁹⁹

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.³⁰⁰ 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.³⁰¹

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.³⁰²

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

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

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.³⁰⁶ 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.³⁰⁷

General Cantwell also discussed the problem of dealing with snipers in urban disorders. He thought there was "too much return fire" in Newark.³⁰⁸ 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."³⁰⁹

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 7.³¹⁰

Some police officials testified that the sniping was organized. Major Olaff cited the presence of cross-fire.³¹¹ 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.³¹² Police Director Spina, on the other hand, testified:

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

He stated that at least seven snipers were arrested and there might be more.³¹⁴ 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.³¹⁵ UCC President Still testified that

"the charges of widespread sniping were a lot of malarky used as justification to shoot the people and homes."³¹⁶

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-Rac 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

<i>Date</i>	<i>Autopsy Report</i>	<i>Ballistic Report</i>
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.	1—double "0" buckshot pellet no value.
7/14/67 7: A.M.	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 8: P.M.	Homicide by shooting. Bullet wound of left chest passed through.	Passed through.
7/18/67 1: A.M.	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 7: P.M.	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 7: P.M.	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.	.....
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 end 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.³¹⁷

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 responsible 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."³¹⁸

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

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.³²⁰ 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.³²¹

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.³²² 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.³²³ Colonel Kelly also noted a pattern in the sniper activity during the riot. He said: "When there is crossfire, there is organization."³²⁴

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."³²⁵

Mr. Spina said that he had evidence to substantiate that this constituted a conspiracy, "stronger than just a belief."³²⁰ 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 . . ."³²⁷

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.³²⁸

Director Spina said that the arrest reports did not yield substantial evidence of a pattern of outside agitators or conspirators.³²⁹ According to a list compiled by the Newark Police Department,³³⁰ 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,"³³¹ 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."³³²

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

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."³³⁵ Asked specifically whether there were any groups that organized the Newark riots, Mr. Still answered: "There was no organization to this."³³⁶

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."³³⁷

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.³³⁸ 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.¹ The week before rumors had circulated through the Negro community that a Negro woman, Mary Brown, had been beaten with handcuffs by the police.² The police denied the allegations.³ 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.⁴

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."⁵

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.⁶

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.⁷

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.⁸ The violence that night was limited to three or four broken store windows.⁹

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.¹⁰ The principal complaint was police behavior.

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

The youths also complained about the lack of recreation facilities and the inadequacy of programs at the Youth Center.¹²

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 . . ."¹³

Robert Nelson, a youth who attended, testified:

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

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.¹⁵

During that evening, a disturbance broke out at the West End Housing Project.¹⁶ According to the testimony of Colonel Kelly of the State Police, the Plainfield police were ordered to stay away from this area.¹⁷ 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.¹⁸ 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.¹⁹ Official permission from headquarters was radioed shortly thereafter.²⁰ About this time police also arrested 12 white youths on motorcycles who were nearing the area. They were arrested for suspicious conduct.²¹ In addition, the city had to contend with occasional fire bombings and false alarms.²²

The State Police records show 43 arrests from 10 P.M. Saturday until 4 A.M. Sunday²³—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.²⁴

SUNDAY

On Sunday afternoon a crowd of Negro youths estimated at from 150 to 400 gathered in Greenbrook Park to air grievances.²⁵ The State Police log reports that they heard "inflammatory" speeches by some unidentified individuals.²⁶ 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 permit²⁷ and it was getting out of hand. The decision was not discussed with the Plainfield police.²⁸ 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."²⁹ 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 ...'"³⁰

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."³¹

The crowd was dispersed about 4 P.M.³² 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."³³ 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.³⁴

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."³⁵ Mr. Sills testified that he was unable to relay the message to the command post in Newark.³⁶ 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.³⁷ 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.³⁸ 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.³⁹

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.⁴⁰ The Mayor testified that the State troopers began to arrive about 6:30 or 7 P.M. and established a command post.⁴¹

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.⁴²

THE DEATH OF POLICEMAN GLEASON

At about 8 P.M. Sunday, several persons reported to the police that a policeman was under attack.⁴³ The initial reports were discredited because false alarms of the previous night had made them wary.⁴⁴ 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.⁴⁵ State Police records indicate that the Plainfield Police Department received notice of the attack on Mr. Gleason at 8:27.⁴⁶

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.⁴⁷ His revolver and several rounds of ammunition were missing, but he had not been wounded by bullets.⁴⁸ 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.⁴⁹

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.⁵⁰ 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."⁵¹

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.⁵² 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.⁵³

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.⁵⁴ Captain Campbell stated that his orders were to hold to a line of containment and not go in and patrol the riot area.⁵⁵ 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.⁵⁶

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.⁵⁷ By 2 A.M. Monday, National Guard armored carriers and State Police patrols were moving through the riot area.⁵⁸ 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.⁵⁹ The State Police and the National Guard set up 29 or 30 posts, and maintained these for the next 36 hours.⁶⁰

By the morning of Monday, July 17, the situation was generally quiet.⁶¹ 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.⁶² Colonel Kelly agreed with this view of the situation.⁶³

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.⁶⁴ In the late afternoon, Commissioner Ylvisaker and Attorney General Sills traveled to Plainfield.⁶⁵ 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.⁶⁶ 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."⁶⁷ Captain Campbell testified that he and his men were "pinned down" by firing, including "semiautomatic" firing at one point.⁶⁸

Snipers fired on two fire stations.⁶⁹ According to Sgt. Robert F. Kitzler of the State Police, the fire station at Central Avenue and Fourth was under heavy fire.⁷⁰ It was characterized as a "siege" by some witnesses.⁷¹ Witnesses described the firing as "automatic" or "semiautomatic."⁷² The windows of the firehouse were shattered, but police cars below were not hit.⁷³ 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.⁷⁴

Shortly after the firing at the Central Avenue firehouse, six or seven men fired a few shots at the Bergen Street firehouse.⁷⁵ 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."⁷⁶

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 reached⁷⁷ and a second meeting was held at 6 P.M. in the Mayor's office.⁷⁸ 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.⁷⁹

The first speaker from the floor said the youths wanted a recreation center and a swimming pool.⁸⁰ 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.⁸¹ Another request was that persons in jail be released.⁸² 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.⁸³

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.⁸⁴ 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."⁸⁵ Commissioner Ylvisaker testified that "they were really protecting us."⁸⁶ 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.⁸⁷ The two cars left the area at about the same time, and the group returned to City Hall.⁸⁸

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.⁸⁹ 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.⁹⁰ 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.⁹¹

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

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

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.⁹⁴

Some of those present, such as Colonel Kelly and Mr. Kaplowitz were opposed to any release of prisoners.⁹⁵ 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.⁹⁶ 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.⁹⁷

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.⁹⁸ Some of those present believed that Mr. Cathcart had indicated that he would try to get the rifles back in a day.⁹⁹ The Attorney General testified that, although there was no *quid pro quo* or condition on the release¹⁰⁰ there was some consensus that Mr. Cathcart would bring the guns by noon Wednesday.¹⁰¹ 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.¹⁰² Mr. Ylvisaker testified that Mr. Cathcart had made no explicit promises.¹⁰³

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

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 rifles¹⁰⁷ and that he spent Tuesday gathering intelligence on where the rifles could be located.¹⁰⁸ 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."¹⁰⁹

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.¹¹⁰ 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.¹¹¹ 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.¹¹² Colonel Kelly was in contact with this group by telephone.¹¹³ He was instructed that the press was to be permitted on the searching expedition, and 10 community representatives were to accompany the searchers.¹¹⁴ 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.¹¹⁵

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.¹¹⁶

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

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."¹¹⁹

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

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.¹²¹ 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."¹²²

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.¹²³

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.¹²⁴

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

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.¹²⁷ 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."¹²⁸

The search did not produce any of the 46 stolen carbines.¹²⁹ 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.¹³⁰ 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.¹³¹

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,¹³² 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.¹³³

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.¹³⁴ 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 tavern.¹³⁵

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 time¹³⁶ 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.¹³⁷

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.¹³⁸

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.¹ Housing has been an issue for over 50 years, and today "the situation has become grossly aggravated."² All witnesses agree housing is Englewood's chief problem. In addition, unemployment, especially among Negro youth;³ lack of recreational facilities;⁴ and a general feeling among many Negroes of frustration with and distrust of established authority, including the police,⁵ 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.⁶ 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.⁷ 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.⁸ Furthermore, it was agreed that the Englewood police would have central control over all police forces, would issue all orders⁹ and would co-ordinate all communications.¹⁰

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.¹¹ 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.¹²

Englewood's own mobilization plan was based on tactical control, communications and mobility.¹³ 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.¹⁴

In addition, every man on the Englewood force had undergone riot training at the Teaneck Armory, under the Bergen County Police.¹⁵ 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.¹⁶ Specialized equipment included bullet-proof vests, special helmets, riot guns (12-gauge), riot sticks, and 30-caliber rifles.¹⁷

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."¹⁸

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

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."²⁰

Tear gas was to be used only on command of the operations commander, handed down to the tactical force commanders.²¹ The decision to fire on a target was not left to the individual. It was at the discretion of the tactical force lieutenant.²² 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 ammunitions 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.²³

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.²⁴

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.²⁵

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 Mackay 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.²⁶ 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.²⁷ 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.²⁸

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."²⁹

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

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."³¹

At 2 P.M. on Friday³² 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.³³

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.³⁴ 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."³⁵

Testimony indicates that citizens were alarmed when they saw a helicopter flying surveillance over Mackay Park at about 4 P.M.³⁶ 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.³⁷

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."³⁸

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."³⁹

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.⁴¹

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."⁴²

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.⁴³ 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.⁴⁴ The Mayor ordered all movie theatres and liquor stores closed at 8 P.M.⁴⁵ 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.⁴⁶ As the crowd grew, the police began to seal off the area with patrol cars.⁴⁷ The young people were stretched out in a line and were jeering at the police.⁴⁸

THE DISTURBANCE

At 8:30 P.M. an alarm went off in Foti's Food Market on William Street.⁴⁹ 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.⁵⁰ Detectives Henry Robinson and Kenneth Tinsley, both Negroes, got involved in a scuffle with the crowd in an attempt to arrest someone.⁵¹ 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.⁵² From the time police were moved into the area, they were heavily besieged by rocks and bottles.⁵³

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,⁵⁴ began taunting the line of police that were moving them into the park entrance.⁵⁵ 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."⁵⁶

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."⁵⁷ The people "seemed eager to talk about alleged grievances,"⁵⁸ 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."⁵⁹

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.⁶⁰

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.⁶¹ Activity continued in the William and Jay Streets area until about 3 A.M. when many of the outside police were withdrawn.⁶²

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

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.⁶⁵

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.⁶⁶ 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.⁶⁷ 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.⁶⁸

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."⁶⁹

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.⁷⁰ The police were ordered to return fire directed at them and to attempt to locate the snipers, but none was found.⁷¹ 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.⁷² He testified that it appeared that certain ringleaders who had a great deal of hostility toward the police organized the disturbance.⁷³ 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.⁷⁴

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."⁷⁵

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.⁷⁶

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.⁷⁷ Testimony before the Commission supports this view.⁷⁸ 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."⁷⁹

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.⁸⁰ 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."⁸¹

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."⁸²

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."⁸³

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

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."⁸⁵

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.



III. Recommendations

A. Urban Problems

POLITICAL

- I. *The resources of Newark and urban centers of the State are no longer adequate to cope with the current crises that afflict them. Therefore, the administration and financing of certain basic services, such as the police, should be consolidated throughout Essex County.*

Financial incentives should be provided which are designed to encourage consolidation of services as speedily as possible. However, such financial and administrative consolidation should in no way conflict with effective delivery of service and community involvement at the neighborhood level.

Some Commissioners, while they approve this recommendation, believe that it falls short of what is required in the present circumstances. They believe that the very structure of municipal government in New Jersey, with revenue raising, zoning and planning functions fragmented among 567 municipalities and 578 school districts, is the largest contributing factor to the urban problems outlined in this report. They believe that the power of local municipalities to adopt restrictive land use patterns, which exclude lower income people while attracting industrial and commercial rates, contributes substantially not only to the inability of the older cities to finance essential services, but also to the steady increase of segregated urban housing and education. In their view consolidation of municipalities and school districts, and regionalized zoning and planning are the essential first steps toward any permanent relief of these parallel sources of urban tension. They fear that if legislative action is not taken to break down the legally condoned barriers which have largely confined the Negro to the older cities these centers of segregation will, despite well intentioned remedial action, become increasingly ungovernable. They recommend legislation, granting State financial incentives to encourage consolidation of municipalities and school districts, and requiring regional control over zoning and planning.

Some Commissioners feel that many municipalities which are now seeking to build new sources of strength and vitality will be deprived of their ability to do so through political consolidation. Therefore, they advocate consolidation of services as a practical and realizable step at this time.

- II. *To help relieve the feeling of Negro powerlessness, both political parties should support the emergence of more Negro candidates and should encourage active participation of Negroes of all economic levels in the political process.*

In any reorganization of the governmental structure, care should be taken to achieve districting with a make-up that will provide opportunity for adequate Negro representation. Efforts to reapportion or redistrict should avoid gerrymandering that favors whites, and districts should so be arranged as to give areas with a heavy nonwhite population an opportunity to be responsively represented.

- III. *The Commission recommends that a special grand jury be called to investigate allegations of corruption in Newark.*

The Assignment Judge of the Superior Court may empanel (2A:71-5; 158-1 et seq.) such a grand jury.

Alternatively the following may be used:

Investigation by the Attorney General (52:17A-5). This can be done by written request of the Governor, an assignment judge, a board of Chosen Freeholders or a

County Prosecutor, stating that he wants the Attorney General to take over the role of a prosecutor in some or all of his functions. The Attorney General then has the full power of the County Prosecutor either in all of his functions or in a specific area, depending on the request.

Investigation by a court (40A:5-22). Any judge of the Superior Court may investigate the affairs of a local unit relative to the expenditure of public money. The judge may appoint an expert to pursue the investigation. The governing body of the local unit must request the investigation, or 25 freeholders who paid real estate taxes in the local unit must petition the court, alleging that public money has been unlawfully or corruptly expended.

A law enforcement council approved by, and representative of, both the executive and legislative branches or the State Government, and bipartisan in makeup.

THE POLICE

NEWARK

Personnel Policies

(Designed for Newark, but recommended to cities and communities throughout the state where the principles are applicable)

- I. *All assignments in police departments, including those to the Detective Division, should be made without political interference and solely on the basis of merit, which should be determined through recommendation of superior officers, evaluations based on a formal rating system and, if necessary, a written examination.*
- II. *Police on all levels should be compensated at higher rates. The salaries of Newark patrolmen should be raised to a \$7,800 - \$10,000 range.*

Funds should be appropriated by the City, County, or State to provide adequate compensation for overtime work.
- III. *Greater efforts should be made to recruit policemen from black and Spanish-speaking communities.*
 - a) Integrated police recruiting teams should be established to work full time. Communities should take the initiative in helping police departments recruit Negro and Puerto Rican personnel, and police departments should co-operate with these efforts.
 - b) Recruiters should be sent to Army installations to take advantage of the Defense Department's early release program, whereby a serviceman is released up to three months in advance of discharge to accept a job in law enforcement. Recruiters should visit Negro colleges, especially junior colleges in the South, to attract Negro graduates.
 - c) Civil Service requirements should allow a municipality to waive the specified height requirement so as to ease the recruitment of Spanish-speaking personnel.
- IV. *Qualified Negro lieutenants and captains should be placed in operational command positions, including precinct commands.*
- V. *To free as many policemen as possible for patrol and other professional duties, civilians or paraprofessionals should be assigned to routine tasks not requiring the services of fully qualified policemen.*
- VI. *The Newark City Council should pass an ordinance, as currently authorized by State law, to permit the recruitment of men living outside the boundaries of Newark, so long as they move into Newark within one year.*

Police-Community Relations

- I. *A five-man Board of Police Commissioners, made up of outstanding citizens representing the total Newark community, should be named by the Mayor to receive and review all citizens complaints of police misconduct.*

If the Mayor fails to act, there should be legislation enabling the Supreme Court to appoint such boards. A board should operate outside the structure of the Police Department, be staffed by its own investigators and equipped with subpoena powers. It should have the power to recommend disciplinary action to the police director and to publicize its findings. The police director in turn should be responsible for reporting back to the board within 30 days on what action he has taken.

- II. *The proposal to provide the Police Department with a canine corps should be abandoned on the ground that the technical benefits such a corps might yield are far outweighed by the hostile response this proposal has evoked in a large sector of the community.*
- III. *The Police Department's Community Relations Bureau should become more active and be given higher prestige.*

Funds should be appropriated promptly for program development, operational expenses and additional staff. Store front police offices should be set up throughout the city, especially in poverty areas, manned jointly by Community Relations Bureau officers and neighborhood residents. The purpose of storefronts is to bring the police and the community closer together, handle neighborhood service problems and aid in police recruitment.

- IV. *Community Relations training for policemen should be improved.*

It should include use of professionally trained instructors; and involvement of the entire force, starting at the top, in intensive small group discussions led by trained psychologists. Ghetto residents should be asked to participate. Every member of the force should take part in such program for at least one week every year.

- V. *Racially integrated radio car teams should operate throughout the city.*
- VI. *Increased use should be made of foot and motorcycle patrols in the high-crime areas of the city.*

The experimental use of both adult and teenage citizens as volunteer foot patrols should be encouraged. Remuneration, if required, should be considered.

- VII. *Every uniformed policeman should be required to wear a name tag as an integral part of his uniform, to be displayed at all times and under all circumstances.*

STATEWIDE

- I. *To upgrade the professional level of police forces throughout the state, the New Jersey Civil Service system should be revised.*

a) Civil Service regulations should be amended to allow for lateral entry on all levels. Recruitment of personnel at higher levels might be conducted along lines similar to those employed in the U. S. armed forces.

b) Civil Service examinations should be revised to include psychological testing and psychiatric interviews, to eliminate emotionally disturbed or psychologically unstable candidates.

c) The State should give financial assistance to municipalities to experiment with the reclassification of policemen as recommended in the President's Crime Commission Report.

II. *Salary structures for policemen and officers should reflect educational attainment.*

a) The State should help communities raise the professional level of their police forces by providing a statewide scholarship program. Rutgers the State University, should expand its present Police Science curriculum to a four-year program.

b) The Legislature should adopt a law similar to the Uniform Police Minimum Salary Act of 1967, providing for a \$500 increment for an associate degree, a \$1,000 increment for a bachelor's degree and a \$300 increase for each year in service until the maximum is reached.

THE MUNICIPAL COURT

I. *The Municipal Courts should be abolished and their functions absorbed by the State judicial system.*

The recommended change would mean that cases now heard by magistrates would be heard by State judges. State judges are more insulated politically than magistrates, who must rely on a continuing relationship with the local political system for reappointment. Giving jurisdiction to the State courts would mean that the policies and administration of the courts would be uniform throughout the State. It would also put these cases throughout the State in the hands of fulltime personnel, thus allowing a higher standard of professionalism. Finally, transfer of jurisdiction to the State courts would allow more flexibility in assignment of personnel, taking account of caseloads on a county-wide basis. Suitable revenue adjustments should be made between the State and the municipalities.

II. *The present volunteer program of release on recognizance should be expanded through the use of interviewers on court staffs.*

Nonprofessional staff can be trained easily to be interviewers. An interviewer should be on hand at any time of the day and night. Arrested persons should be interviewed as soon as possible. When the court is not sitting, arrangements should be made for a judge to call in and pass on cases recommended for release on recognizance. Release on recognizance should be the usual disposition of a case pending trial both for indictable and nonindictable offenses. Monetary bail should be used only when there is reason to believe that there is an unusual risk that the defendant will not return for trial.

III. *The procedure of issuing summons in lieu of arrest, which has already been worked out and accepted in principle by the police and the courts, should be implemented forthwith.*

Municipal Court Bulletin Letter 119 of the Administrative Office of the Courts suggested that, instead of arresting a person charged with nonindictable offenses, a policeman should have the discretion to issue a summons to him to appear in court at a specified time. The use of summons instead of arrest would save police time in booking the person and holding him for bail. It would save the person charged from being arrested and held in custody or for bail.

IV. *County jails should be organized so as to recognize that those prisoners who are not convicted criminals are treated accordingly.*

All jail facilities should be re-examined in that light with special emphasis on relaxing restraints on communication between prisoners and the outside world.

V. *The act establishing the Office of the Public Defender should be amended to broaden the range of cases that office handles.*

The Public Defender should be responsible for representing indigents in Municipal Court in all nontraffic cases where there is a possibility of a jail sentence, and in Juvenile Court in all cases.

VI. *While it continues in existence, the Municipal Court should keep a record of its proceedings.*

At present, the Municipal Court is not a court of record, although either party may make a record if it chooses. The making of a record would formalize the proceedings and simplify the appeal procedure. A record can be made by a mechanical device or court reporters. Either way, a system should be established.

ECONOMIC

NEW TAX REVENUES

Additional revenues should be raised by the State so as to reduce dependence on the local property tax.

The new revenue should be allocated to local governments on a formula basis that takes into account population, poverty level, the need for special programs and the local property tax base.

Some of the programs recommended in this report will require such additional revenues.

THE PRIVATE SECTOR

The New Jersey business community should take an initiative in the problems of the cities.

a) The State has considerable resources in the private sector. Large enterprises in insurance, utilities, banking and many medium-size businesses constitute an impressive repository of financial power and expertise that should be utilized with imagination and skill for an attack on critical economic and social problems. The Commission calls upon the business community to make a total effort in the fields of job training, education, business development and housing programs in the City—regardless of what Federal or State aid may be forthcoming.

The Commission has not attempted to develop specific organizational patterns to accomplish the objective set forth here, leaving it instead to the business leadership.

b) There is an urgent need for special impact programs in ghetto communities, as evidence of society's will to act with dispatch. The Commission urges the business community of Newark and the leaders of its black community to study the activities of the Bedford-Stuyvesant Restoration Corporation and its companion in the business community, the Bedford-Stuyvesant Development and Service Corporation. The experience being gathered there has much to commend it to Newark, especially in the field of concrete, day-to-day cooperation among business, government and local ghetto communities.

SMALL BUSINESS LOANS

Since Federal Government efforts have fallen short of meeting the need for small business loans in depressed areas, private enterprise must assume the major share of this task, through small-business loans and assignment of technical and management talent.

The banks should set up a fund for new business and improvement loans in depressed areas. This pool could be administered by an organization such as the Interracial Council for Business Opportunity (ICBO).

The ICBO could form a loan administration staff composed of community people and personnel from the participating banks. This staff would conduct a program of outreach and information to introduce the poverty community to its

services. Loan applicants would be interviewed by this staff, given counseling and managerial support, and improvement loans. The participating banks should create a loan-underwriting pool that will absorb any losses that may result from this operation.

Full use should be made of Small Business Administration (SBA) loan guarantees to reduce the risk potential. If this guarantee service proves inadequate to the needs of the pool, New Jersey should underwrite the effort.

Bank personnel should assist the lending organizations with the expertise it requires for the administration of its programs. This would enable the lending organizations to train community people in banking procedures, and to give experience to bank employees assigned to this task in working effectively in the ghetto market.

HOUSING

- I. *A program should be developed to encourage home ownership by low-income families to give them an investment and a stake in their community.*

Such a program might include statutory authority for the State Housing Division to cover the difference between the amount of carrying charges the owner can afford to pay (amortization of principal, interest and taxes) and the variable current mortgage interest and tax rates. It might also include State guarantees for mortgages covering 100% of the cost of a home, and a supplement for payment of municipal taxes in cities where the cost of municipal services produces a tax rate prohibitively high for low-income home ownership.

If a mortgage did go into default, arrangements should be made with the local housing authority or welfare agency to purchase the vacated home for use by a welfare family or other low-income families not yet in a position to buy a home.

The cost of public housing should be re-evaluated, taking into account the cost of lost tax revenues to all levels of government. These costs should be compared with the costs of various home ownership programs for the poor. The analysis also should explore ways to lower mortgage insurance to protect the homeowner in the event of sickness or unemployment.

In any such home-building program, local unskilled or semi-skilled residents should be given an opportunity for employment, and the program should be coordinated with job-training programs. Labor unions should co-operate so that persons employed in the program may subsequently join the unions, either as associate or full-fledged members.

- II. *The State Housing Division in the Department of Community Affairs should use its power under Section 20, Chapter 448, Laws of 1948, to plan, supervise and implement relocation of low-income people from the inner cities to outlying areas.*

State officials should work in conjunction with local housing agencies to plan and coordinate employment opportunities with housing adequate to meet the needs of persons displaced by urban renewal and highway projects or whose present housing is so substandard as to threaten health and safety. Where needed, state officials should sponsor public housing projects outside ghetto areas.

Rent supplements should be used as a relocation tool to expedite this process.

An effective community relations program should be developed in white neighborhoods where such relocation occurs.

Municipal housing authorities should initiate regional relocation programs with contiguous municipalities. The State Relocation Bureau should assist by providing experienced relocation personnel, and other technical assistance.

- III. *The Newark Housing Authority should offer long-term leases to landlords in Newark's central core for the filling of chronic vacancies in return for agreements to improve maintenance, upkeep and services.*

NHA, in turn, would rent the formerly vacant apartments primarily to relocation families who now drift into the same substandard units—without the benefit of the authority's bargaining power—while NHA searches in vain for code-standard vacancies.

The landlord's side of the bargain would be written into the leasing agreement to the extent that such improvements can be specified: for example, more frequent exterminating service or better provisions for garbage disposal. In addition, a portion of the rental income would go into a fund that the landlord could draw against for maintenance and repair expenses.

NHA would have the right to reach into the fund to make repairs where the landlord was remiss, and relocated tenants, as third-party beneficiaries of the agreement, could obtain a court order for needed repairs out of the fund.

To reinforce the landlord's financial incentive, code enforcement agencies should concentrate their attention on the upkeep and maintenance objectives of the program. Tenants would also commit themselves to cooperate with maintenance efforts wherever possible.

To encourage further capital improvements, owners of buildings more than 30 years old should be allowed to make capital investments every year, equal to 4% of assessed valuation, without the risk of reassessment. This assessment credit would be equitable, in that old buildings depreciate at a rate of about 4% a year without having their assessments reduced. With so little capital investment in older buildings under current law, the revenue loss to the city would be small.

- IV. *The State Division of Civil Rights should exert more effective leadership in the enforcement of laws against discrimination in housing (see also Recommendation on Employment).*

Coupled with Recommendation II in this Section, such efforts would lead to more effective integration of suburban communities.

To enable it to do its job effectively, more funds should be appropriated for the division. These should be used for the recruitment of more field representatives, for whom the salary range should be raised. More funds should also enable the division to open adequately staffed branch offices in areas of the state where problems are most massive and acute.

The State Civil Rights Law's penalty provisions should be amended to give an order of the director the force of a court order. The director should be able, at his discretion, to impose penalties for violations of his order.

- V. *The requirement for citizen participation in planning processes should be rigorously enforced by all levels of government.*

The State Blight Law should be amended to require notices of blight hearings to be sent to all tenants, owners and other interested parties when a declaration of blight is initially considered.

The Federal Department of Housing and Urban Development should closely scrutinize the implementation of the Model Cities Program, to be sure that a

cross-section of the community has been consulted and their viewpoints considered in projects directly affecting them.

- VI. *The State Legislature should grant reasonable budget requests of the Department of Community Affairs for rent supplements, demonstration grants and code enforcement training programs.*
- VII. *The New Jersey College of Medicine and Dentistry should occupy no more acreage than is consistent with a location in the center of the state's largest city, and with the needs and aspirations of the community.*

The board of trustees, as a public body appointed by the Governor with state-wide obligations to fulfill public needs, should give sustained consideration to the interests of people living on the site and other disadvantaged people in the community.

- VIII. *The Newark Housing Authority should survey the tenant composition of each public housing project and attempt to identify, on an objective basis, tenants who can afford and are able to find housing in the private market.*

Efforts should be made to persuade these tenants to move, so as to free public housing units for eligible families on the waiting list.

- IX. *Englewood, which has the human and physical resources not only to solve its own problems but also to show the way to other communities, should consider reversing past decisions on its critical housing issue.*

Political and community leaders, regardless of party, should work to unite all communities in support of solutions in accordance with public policy and the trend of the times toward residential integration.

- X. *The construction of high-rise projects for public housing should be discouraged.*

If such projects are built, they should be designed primarily for senior citizens. They should not serve to house families with small children.

- XI. *Tenants in public housing projects should commit themselves to do what they can for the maintenance of the premises they occupy and use.*

At the same time, the Housing Authority should consider programs through which tenants would have an opportunity to find part-time or full-time employment in maintenance or improvement work for which they are qualified.

EMPLOYMENT

- I. *As the prime source of jobs, the business communities of the state should take the lead in hiring, upgrading and training people from the depressed areas of our cities.*

Business should recognize its past failure in this area of vital concern to the black and Spanish-speaking communities of the urban ghettos. It should not require special governmental subsidies for business to launch a massive on-the-job training program for people who have been denied a full and fair opportunity to compete as equals in the job market. Once a company has trained and qualified a person, it is that company's responsibility to make sure that a job is open for him.

To accomplish meaningful results requires the intervention of top executives. They must take the initiative in launching such programs and sustain their interest in them by making sure that supervisors on lower levels follow through.

- II. *Business should take the lead in forming one umbrella organization in Newark to which all employers can turn for personnel—trained or untrained—from the ghetto communities.*

It would become the central job placement and development agency in the city for people in the ghetto communities. It should be looked to and used by employers, and especially by the business community, as the primary source of manpower.

Such an agency, being business-led, should take the initiative in getting employers to revise job descriptions and employment criteria in the interest of greater flexibility of hiring and wider opportunities for ghetto residents to find productive work.

As the central repository on job information, this agency should work with established agencies, such as the New Jersey State Employment Service, and assist existing training organizations to reshape their programs so as to bring them in line with changing labor market needs.

- III. *This Commission calls on labor unions to drop all discriminatory practices, regardless of the cloak under which they may be hidden.*

Beyond this, unions should take the initiative to provide the vocational courses, compensatory education, orientation of school guidance counselors, restructuring of tests and whatever else is in their power to open employment opportunities. Management should make equal opportunity an issue in collective bargaining whenever unions fail to perform adequately in this vital area.

- IV. *Civil Service should have the power to waive residence and citizenship requirements; revise application and testing procedures so that they truly reflect job requirements; eliminate unnecessary handicaps to employment by making it clear to job applicants that a police record is not an automatic bar to employment; and use the most effective methods available in advertising employment opportunities, including foreign-language material.*

The Commission supports the Civil Service Commission in its efforts to get legislative approval for expanded recruitment activities.

- V. *The Division of Civil Rights must take a more aggressive posture, and act on its own initiative to seek out and correct racial discrimination in industry and labor.*

Its operation should not rely solely on individual complaints.

- VI. *The Federal, State, county and municipal governments should require and enforce effective integration of labor on publicly financed construction projects.*

This has special relevance to Newark. In the next few years, several highways, a medical school, educational facilities and urban renewal projects are likely to be built. Whatever is necessary should be done now to prepare ghetto residents to find jobs in these projects.

PUBLIC SCHOOLS

NEWARK

- I. *The Newark Public School System is in a state of educational crisis. This crisis demands that the State take over the administration of the Newark public schools during the crisis.*

Under these powers the State should:

- a) Inject new resources—money and personnel—into the Newark system;
- b) Acquire suitable facilities throughout the city to serve as additional classroom space and equip them for educational use;

c) In addition to giving special training to existing personnel, launch a recruitment effort within and beyond the city for teaching and supervisory personnel to increase the staff of Newark's public school system, making special efforts to attract individuals equipped for effective performance in schools of city centers;

d) Request all relevant State departments and agencies to provide immediate technical assistance to the Newark public schools; and take whatever measures the Governor, through the Commissioner of Education and with the advice of the Newark school authorities, deems necessary to resolve the crisis.

- II. *A comprehensive plan for the decentralization of the Newark public schools should be developed and implemented.*

A subdistrict plan for Newark might include some of the following elements: The central authority should be responsible for overall school standards, contracts and citywide goals. The subdistricts should be relatively small in size (5,000-8,000 students). They should be governed by boards of education, whose members must reside in the subdistrict. Each subdistrict should have an advisory council comprised of a parent and teacher from each grade level, and its own budget, to be allocated to it by the central authority but administered by the subdistrict board within the context of citywide goals. Each subdistrict should hire its own superintendent as a professional administrator, determine its own policies regarding curriculum and instructional techniques within guidelines established by the central authority, and be subject to official evaluations by duly constituted authorities.

- III. *As in interim step toward decentralization, the Newark Board of Education should encourage the development of a model subsystem plan, based on the experience of the Camden Street School Project.*

Federal and State funds should be sought, and the commitment of Rutgers the State University and other academic institutions obtained, so as to move quickly toward expansion of the demonstration. The Board should also encourage other pilot projects.

STATEWIDE

- I. *The State school aid formula should be revised so that impacted school districts will have additional resources to deal with their educational problems.*
- II. *Additional sources of revenue should be developed, such as a State guarantee of school bonds, additional state aid for school construction, or a state school building authority with the power to float revenue bonds, to assist school districts with an inadequate tax base to meet construction needs.*
- III. *The construction of school buildings as integral parts of private buildings and commercial developments should be encouraged to prevent the loss of ratable land areas and to lower the per foot cost of school construction.*
- IV. *The governor should request the State Board of Education to undertake an immediate review of teacher certification regulations. A more flexible procedure is needed to develop an adequate supply of teaching personnel for urban schools.*

WELFARE

- I. *The funding and administration of all public assistance programs in New Jersey should be centralized in one State agency.*
- II. *The presence of the father at home should not preclude assistance under Aid to Dependent Children (ADC).*

If the father is employable but in fact unemployed or underemployed, the family should be eligible for both ADC and general assistance payments. At the same time laws requiring parental support should be strictly enforced.

III. *The procedure for determining eligibility for public assistance should be simplified.*

A system of eligibility by declaration of the applicant should be tested. Random checks would be made to determine accuracy of the information provided by declaration.

IV. *Clients should be permitted to retain a larger share of earnings before reductions are made in the welfare allowance.*

This is essential to provide a more realistic incentive to welfare recipients to become self-sustaining.

V. *Welfare checks should be paid weekly instead of monthly.*

VI. *Wage assignments and the garnishing of wages should be abolished.*

VII. *The State Office of Consumer Protection, and especially its consumer education activities, should be strengthened.*

This office should coordinate its work with consumer-education programs sponsored by antipoverty and social service agencies.

VIII. *Funds should be appropriated for a major expansion of child-care facilities, particularly in urban centers.*

First priority in employment in such centers should go to qualified neighborhood residents.

IX. *The State Board of Public Welfare should have a small staff of qualified experts to assist the board in its efforts to develop constructive proposals.*

They should assist the director of the Division of Public Welfare, Department of Institutions and Agencies in compiling information for presentation to the Board. They should help the Board members make independent evaluations of the effectiveness of programs and procedures aimed at breaking the cycle of welfare dependency.

With the aid of this staff, the Board of Public Welfare should assume the role of spokesman for the State in the developing of national debate over various proposals relating to a guaranteed annual income. The Board should become more active as a voice of the State in Congress, the Department of Health, Education and Welfare and in national forums concerned with public assistance issues.

The New Jersey Board of Public Welfare and the Welfare Division should take the initiative to develop, in concert with other states, a strong case for reconsideration by Congress of some recent amendments to the Social Security Act, especially the one that freezes the number of ADC cases eligible for Federal support.

The Commission further recommends an immediate examination of State policy and practice in the following areas:

Responsibility of relatives for indigents.

Grievance procedure for welfare clients.

Representation of minority groups on county welfare boards.

Availability to welfare clients of factual information on welfare policies and laws, and on special services such as consumer protection.

ANTIPOVERTY PROGRAMS

NEWARK

- I. *The United Community Corporation should remain independent of the City Government and should continue to be Newark's principal antipoverty agency.*

The Commission urges the Mayor, in the City's and the Negro community's common interest, *not* to exercise the option available to him through the Economic Opportunity Act to take over the UCC; nor should he form or designate an agency under his direct control to receive OEO funds for programs now operated by the UCC.

- II. *Proceeding from this premise, City Hall and the UCC should cooperate on a basis of mutual respect.* The Mayor should begin to become personally involved in UCC board deliberations, planning and decision-making.

In further pursuit of effective working relationships, the UCC should propose the establishment of a Human Resources Council in which the Mayor, the chairman of the UCC board, the chairman of the Board of Education and others concerned with job development and related activities should personally participate. The purpose of this council would be to coordinate and give direction to the City's varied but now largely uncoordinated antipoverty, job training, education and social welfare efforts. The council should have a small staff to ensure that its decisions are followed up.

- III. *The UCC should make increased efforts to involve the Spanish-speaking community in all its programs and activities.*

- IV. *The UCC should take action to make the area boards more effective.*

Further consideration should be given to the incorporation of area boards, so that they might be able to subcontract with private, City, State or Federal agencies and develop nonprofit corporations through which they might become self-sustaining. However, the establishment of citywide goals, allocation of funds to geographical areas and coordination of area board activities in support of citywide objectives must remain the responsibility and under control of the central UCC board.

- V. *The UCC should improve its administration and service delivery system. In pursuit of this objective, it should:*

- a) Establish effective administrative and accounting procedures and hire personnel qualified to apply them.

- b) Provide for program development in such areas as nonprofit housing, community renewal and the development of private nonprofit corporations.

- c) Provide for effective evaluation of programs run by both area boards and citywide delegate agencies.

- d) More effectively deploy its central staff to increase technical assistance to area boards and delegate agencies.

- e) Provide for more effective involvement of volunteers with technical or specialized skills or resources.

- f) Develop sources of funds in addition to the Office of Economic Opportunity, such as the business community, private institutions and Federal, State and City agencies engaged in funding activities that are within the UCC's purview.

- VI. *Steps should be taken to streamline the UCC Board of Trustees and its numerous committees and task forces.*

- VII. *The UCC should take the lead in creating and seeking ways to find paraprofessional jobs in Newark institutions, such as social caseworker aides, assistant housing inspectors and medical outreach aides, so as to provide new job opportunities and offer career potential to ghetto residents.*
- VIII. *The UCC, as Newark's central community action agency, should be utilized to obtain the Negro community's participation in community improvement programs.*

Thus, the UCC should be continuously involved in the Model Cities Program and should be consulted by the Board of Education and in the programming of funds under Title I of the Elementary and Secondary Education Act.

PLAINFIELD

- I. *The Mayor should not avail himself of the opportunity, under the Economic Opportunity Act, to administer Community Action Plainfield, Inc. (CAP) directly or designate another agency of his choosing for the same reasons that motivated the Commission to make such a recommendation in Newark.*
- II. *CAP should not be merged with the Union County antipoverty program.*
Although a merger might be in the interest of administrative efficiency, it would be at the cost of making a program that is already too distant from the community even more remote, and its prime purpose—to serve as a forum and an independent program center for Plainfield's poor—would be vitiated.
- III. *CAP should make a more concentrated effort to engage the Negro community in its programs.*

CAP should attempt to recast its program structure so that a larger share of the funds available to it can be used for locally developed community action programs.

ENGLEWOOD

The Office of Economic Opportunity, jointly with the New Jersey Department of Community Affairs, should evaluate the structure and operations of the Bergen County Community Action Program, giving special attention to two factors:

- *The degree of community involvement in Englewood.*
- *The desirability of establishing a local community action agency for Englewood to operate under the umbrella of Bergen County CAP.*

HEALTH

- I. *The New Jersey College of Medicine and Dentistry should be located in Newark.*
This recommendation is subject to settlement of outstanding issues concerning acreage and relocation. The College's Board of Trustees should make special efforts to involve the community in decisions on these issues. It should also commit itself to major responsibility for improving the health in the community and to developing close and continuing communication with all segments of that community.
- II. *The New Jersey College of Medicine and Dentistry should take over the Newark City Hospital (Martland Medical Center).*

The College, in doing so, should:

- *Bring the service in the hospital up to the best professional standards so as to make it fully capable of meeting the critical health needs of the community.*
- *Make maximum use of doctors and other medical personnel with long service and residence in Newark, especially those with long experience in the black and Spanish-speaking communities.*
- *Include members of the community to be served on and boards set up to aid in the administration of the hospital.*

- III. *Pending its takeover of City Hospital, the College should undertake a survey of City Hospital and propose immediate improvements in its operation.*
- IV. *The Commission supports the establishment of neighborhood health centers such as proposed in Newark's Model Cities application as an important element in improving health services in poor communities.*

These centers should have high priority in Model City planning, and in the implementation of these plans. Community involvement in the planning and operation of these centers must be assured, in accordance with federal guidelines.

- V. *All hospitals should examine their present staffing patterns and include in such a re-examination the promotion of qualified Negro and Spanish-speaking doctors to senior staff positions.*
- VI. *An in-service training program for doctors in the treatment of the poor and in dealing with their problems should be initiated by the State Medical Society and by county medical societies in areas where there are large concentrations of poor people.*

B. The Disorders

- I. *The State, in cooperation with counties and municipalities, should immediately draw up a master plan for the control of civil disorders. The plan should set forth:*
 - a) the availability of County, State, and National Guard resources and the order in which these forces could be called on to assist municipalities;
 - b) the command structure, with clear lines of authority. The commanding officer of each force should be supported by staff personnel regularly assigned to him, and the entire operation integrated into one central command. The State Police should be in overall control.
 - c) the basic division of responsibility between the State Police and the National Guard. The State Police should be responsible for the essential police functions in the control of disorders. The Guard should be responsible for containing the riot area and such auxiliary assignments as the distribution of emergency food supplies, transportation, hospital support and similar functions.
 - d) the tactics to be employed in containing disorders, including provisions for a variety of contingencies;
 - e) provisions for the protection of essential public facilities during disorders.
- II. *The State should require municipalities to develop plans for the control of possible disorders in their communities. Such planning should be integrated into the suggested master plan of the State. The State should aid cities in obtaining the necessary resources to implement such plans.*
- III. *When disorders threaten to exceed the control capabilities of local police forces, the municipality should, without regard to local or political considerations, request help immediately under the terms of the master plan. The availability of adequate manpower is an essential deterrent in the early stages of a riot.*
- IV. *In the beginning phase of a disorder, top administration and police officials of a municipality should be immediately on the scene and, with due regard for the judgment of local police commanders, make the decisions with regard to the deployment of forces. The counterproductive effect of too much police visibility should be considered.*
- V. *The State should obtain, in riot situations, common communications facilities for joint police operations. If a single channel is not feasible, provisions should be made for each police element to receive messages from the central command.*
- VI. *All police elements should receive far more extensive and specialized training than in the past to handle the kind of civil disorder that New Jersey experienced in 1967. The State should require and financially assist such training. Dealing effectively with looting, sniping and the use of Molotov cocktails requires special techniques that bear little relationship to conventional tactics of crowd dispersal.*
- VII. *Firearms should be used in riot control only when circumstances clearly demand their use. Those engaged in unlawful acts, including looting, should be promptly apprehended, but not shot, unless they are forcefully resisting arrest or otherwise endangering life.*
- VIII. *The use of personal weapons by policemen should be prohibited.*
- IX. *There should be no mass firing at buildings that police may suspect of harboring snipers. Sniper patrols should operate under the direct command of specially trained and experienced officers who alone should control any return of fire. It is contrary to the public interest to return fire under conditions likely to result in injury or death to innocent people.*

- X. *It is essential that the expenditure of ammunition be strictly controlled. Each police force should record the amount and type of ammunition dispensed to each member of the force. It should require a full accounting from each member of any ammunition he has expended.*
- XI. *Emergency planning should be initiated as soon as possible in individual communities, counties and on a statewide basis to assure that food and other essential commodities and services are available when civil disorders disrupt or jeopardize regular lines of supply. Plans should be made for the prompt and adequate relocation of families and individuals whose homes are destroyed or damaged, or who for other reasons connected with the disorders have to evacuate their dwellings. The State Division of Civil Defense should assist communities in such planning and evaluate its adequacy. Communities should be reimbursed by the State for expenses they incur in such emergency aid.*
- XII. *When the Essex County Prosecutor has completed his presentation to the Grand Jury relating to the deaths that resulted from the Newark disorders, a detailed report should be made by him setting forth the results of his investigation in cases where no indictments have been returned. This report should be reviewed by the Governor, with a view to making certain that the public interest has been duly served.*
- XIII. *State authorities should immediately conduct an exhaustive investigation into the violence committed against persons, and against Newark stores that displayed "Soul" signs. The results of this inquiry should be made public and those responsible disciplined.*
- XIV. *Provision should be made by the State to compensate those individuals or families whose property was damaged by the actions of law enforcement agencies under circumstances that leave no doubt that such acts were unjustified.*
- XV. *Cities with large Negro populations should establish year-around councils or task forces whose sole purpose would be to maintain effective communication between the people in disadvantaged areas and the authorities, and to deal with problems that give rise to tension and friction. All relevant city departments, voluntary agencies and community organizations should be represented on such bodies, and their representatives should be in constant touch with leaders and people in the disadvantaged communities. The task forces should feel free to call upon industry, unions and other elements of the private sector to help meet high-priority needs.*

C. Summer Programs

- I. *Newark, and other cities in the State as appropriate, should immediately seek funding for a major expansion of the Neighborhood Youth Corps program for the summer. In addition, the business communities in major cities should organize themselves to offer special summer job opportunities to ghetto youths and young adults.*
- II. *Eight to 10 youth area centers should be established throughout the ghetto neighborhoods of Newark and each area center be administered by a youth council.*

Each center should be sponsored individually by either the city, private business concerns, social agencies, civil groups, churches, clubs and/or associations.

a) Vacant lots in or near the Central Ward, even though they may be scheduled for building use at some point in the future, should be made available by the owners—the city itself, the Housing Authority or private individual or group—to the youth area centers during the summer months.

b) The State should make funds available either to match funds or to assist on some degree those organizations—churches, clubs, or associations and private industry—that wish to sponsor a council but cannot afford the total financial commitment. These funds must be available no later than March, 1968.

c) The mandate for the area center's youth staff should be to encourage, participate in, sponsor, plan or improvise a variety of programs ranging from projects of block clean-up to recreation, from remedial reading to fishing trips.

- III. *Newark, the Essex County Park Commission and other cities as appropriate should begin immediately to arrange for financing of vest-pocket parks, portable swimming pools and baseball diamonds to be placed in areas closest to both the major public housing projects and other concentrations of poor people in the city.*
- IV. *The State should, along with counties and municipalities, provide a program for day camps for children from disadvantaged areas. Existing facilities should be used wherever possible, or expanded where necessary.*
- V. *"Street academies" should be set up in the summer to help get youngsters into college and to assist them in accomplishing their next educational step.*

The State and cities or private agencies should undertake such programs, going beyond the limited efforts now possible under Federal programs.

- VI. *Youngsters aged 16-21 drawn from all economic and racial sectors of the population should be formed into community service teams of about 20 each.*

During the summer and throughout the school year these teams should:

a) Carry out individual community service projects—reading to the blind, building vest-pocket parks, aiding in neighborhood improvement programs, tutoring, working in hospitals, etc.

b) Engage in group efforts at academic improvement, specifically with regard to improving basic skills, such as reading, writing and arithmetic.

Financial support of such youth service teams should come from a diversity of public and private sponsors.



IV. Annexes

FOOTNOTES

(References to testimony and exhibits refer to the transcript of Commission hearings and documents received in evidence by the Commission during hearings from August 16, 1967 to January 4, 1968.)

INTRODUCTION

1. Testimony of Robert Nelson, Nov. 10, p. 64.
2. Testimony of Alfred Henderson, Nov. 20, p. 76.

THE POLITICAL FRAMEWORK

1. Chernick, J., Indik, B. P., and Sternlieb, G. *Newark, New Jersey Population and Labor Force Characteristics, Spring 1967*. New Brunswick: Institute of Management and Labor Relations, Rutgers University, 1967, p. XI.
2. Cunningham, John T., *Newark*, New Jersey Historical Society, Newark, N. J., 1966.
3. Staff interview with Harry S. Reichenstein, Newark City Clerk, Nov. 29, 1967.
4. Cunningham, *op. cit.*
5. *Ibid.*
6. *Ibid.*
7. Staff interview with Donald Malafronte, Administrative Assistant to the Mayor of Newark, Dec. 5, 1967; Staff interview with Henry Connor, Executive Director, Newark Association of Commerce and Industry, Nov. 16, 1967.
8. Staff interview with John Redden, Newark Deputy Police Chief, Dec. 1, 1967.
9. Staff interview with Samuel Convissor, formerly Administrative Assistant to the Mayor of Newark, Nov. 8, 1967.
10. *Ibid.*; Staff interview with Paul Busse, former Newark City Business Administrator, Nov. 21, 1967.
11. Staff interview with George Richardson, New Jersey Assemblyman, Dec. 1, 1967.
12. Staff interview with Ferdinand Biunno, Newark City Business Administrator, December 8, 1967; Staff interview with James Alloway, Woodbridge City Business Administrator, November 30, 1967; Busse, interview, Nov. 21, 1967.
13. Convissor, interview, Nov. 8, 1967.
14. Testimony of George Richardson, Dec. 8, pp. 57-59.
15. Staff interview with Newark Mayor Hugh J. Addonizio, Dec. 7, 1967.
16. Staff interview with Salvatore Bontempo, former Newark City Commissioner, Dec. 2, 1967.
17. Testimony of Dominick Spina, Nov. 6, pp. 55-57.
18. Staff interview with Professor Stanley Winters, Jan. 5, 1968.
19. Testimony of Thomas Hayden, Dec. 8, p. 13.
20. Staff interview with Msgr Thomas Carey, Queen of Angels Church, Nov. 12, 1967.
21. Spina, testimony, Nov. 6, p. 60.
22. Staff interview with Kenneth Gibson, candidate for Mayor of Newark in 1966, Nov. 21, 1967.
23. Staff interview with Bernice Bass, radio personality, Nov. 12, 1967.
24. Testimony of Donald Malafronte, Oct. 23, pp. 30-40.
25. Spina, testimony, Nov. 6, p. 71.
26. Staff interview with Bernice Bass, radio personality, Dec. 6, 1967.
27. Spina, testimony, Nov. 6, p. 73.
28. *Id.*, p. 75.
29. Malafronte, testimony, Oct. 23, 1967, pp. 68-70.
30. *Newark Evening News*, May 24, 1967.
31. *Newark Evening News*, May 25, 1967.
32. *Newark Evening News*, May 29, 1967.
33. Spina, testimony, Nov. 6, p. 105.
34. Bontempo, interview, Dec. 2, 1967.
35. Staff interview with James Threatt, Executive Director, Newark Human Rights Commission, Dec. 4, 1967.
36. *Ibid.*
37. Malafronte, testimony, Sept. 29, p. 106.
38. Malafronte, interview, Dec. 5, 1967.
39. Carey, interview, Nov. 12, 1967.
40. Staff interview with Douglas Eldridge, *Newark Evening News*, November 18, 1967; Connor, interview, Nov. 16, 1967.
41. Bontempo, interview, Dec. 2, 1967.
42. Staff interview with Harry McDowell, Newark Finance Director, Dec. 11, 1967.
43. Staff interview with Norman Schiff, Newark Corporation Counsel, Dec. 7, 1967.
44. Staff interview with Sollie Forcella, Chief Assistant Assessor of Newark, Nov. 29, 1967.
45. McDowell, interview, Dec. 11, 1967.
46. *Newark Evening News*, Dec. 1, 1965.
47. Testimony of Deputy Chief John Redden, Nov. 3, p. 75.
48. *Id.*, pp. 78-80.
49. Richardson, testimony, Dec. 8, p. 71.
50. Carey, interview, Nov. 12, 1967.

POLICE

1. However, because the department can never fill its quota for patrolmen, the budget only provides for 1,173 patrolmen. If the department could show the City Council that it could recruit more men, money would be available for 1,273 patrolmen.
2. See Twenty-Ninth Annual Report of the Division of Local Finance, State of New Jersey (1966), p. 337.
3. See City of Newark, Financial Report, Year Ended December 31, 1966 (1967), p. 23.
4. Testimony of Dominick Spina, Oct. 30, p. 18. This 190 includes present strength under authorized quota (133 patrolmen—and 7 sergeants) and present leaves of absences (about 20) and pending retirements (about 30).
5. Staff interview with Sergeant Higgins, Administration Division, Newark Police, Oct. 27, 1967.
6. Minimum entrance requirements for Civil Service Examinations are: High school graduation, age 21-30, two-year residence in Newark, no criminal record, height: 5'7", weight: 135 lbs., visual acuity: 20/30.
7. Higgins, interview, Oct. 27, 1967.
8. Staff interview with Captain Krah, Nov. 17, 1967.
9. Staff interviews with: Deputy Chief Cohen, Nov. 16, 1967; Deputy Chief Redden, Nov. 8, 1967; Captain Martin, Nov. 2, 1967; Captain Williams, Oct. 27, 1967 and Captain Krah, Nov. 17, 1967.

10. Staff interview with Leo A. Culloo, Exec. Sec., New Jersey State Police Training Commission, Nov. 14, 1967.
11. President's Commission on Law Enforcement and Administration of Justice, *Task Force Report, The Police*, p. 132.
12. Spina, testimony, Oct. 30, p. 15.
13. Higgins, interview, Oct. 27, 1967. The distribution of Negroes throughout the ranks is as follows:

	Negro	Present Strength	Authorized Quota
Chief of Police	0	1	1
Deputy Chief of Police	0	7	7
Inspector	0	9	9
Captain	1	28	28
Lieutenant	4	98	98
Sergeant	4	96	102
Patrolman	136	1,140	1,273
	145	1,379	1,512

14. The following is a list of figures compiled for Civil Service examinations for the Newark Police Department in a three-year period. Appeared November, 1967 in the *Newark Sunday News*.

Date Given	No. Filed	Examined	Passed	Appointed
May 1965	233	181	47	33
Sept. 1965	196	153	22	16
Dec. 1965	203	139	39	25
May 1966	166	142	36	16
Aug. 1966	168	137	21	11
Nov. 1966	178	151	35	18
April 1967	311	231	42	24
Aug. 1967	250	186	36	(20-25 will be appointed)

15. Spina testimony, Oct. 30, p. 18.
16. Testimony of Deputy Chief John Redden, Nov. 3, p. 23.
17. International Association of Chiefs of Police, *Survey of the Police Department, Baltimore, Maryland, Washington, Dec., 1965*, p. 475.
18. *Newark Evening News*, Feb. 2, 1967.
19. In a 1961 survey of status given to occupations, the police ranked 54th out of 90 occupations. President's Commission on Law Enforcement and Administration of Justice, *Task Force Report, The Police*, p. 134.
20. Staff interview with Lieutenant Jerry Dwyer, Nov. 2, 1967.
21. President's Commission on Law Enforcement and Administration of Justice, *op. cit.* p. 141, quoted from the British Home Office Committee on Police Service in England, Scotland and Wales.
22. Grand Jury Presentment, Superior Court of Essex County, April 26, 1965.
23. Redden, testimony, Nov. 3, p. 86.
24. *Id.*, pp. 72, 74, 82 and 114.
25. Spina, testimony, Oct. 30, p. 34-35.
26. *Id.*, p. 66.
27. Staff interview with Captain Edward Williams, Oct. 27, 1967.
28. Staff interview with John P. Linchan, Nov. 20, 1967.

29. A complete description of the proposed program was submitted in evidence to the Commission, Exhibit C-35, Application for Police Community Relations Training Program.
30. Testimony of James Threatt, Nov. 6, p. 22-23.
31. *Ibid.*
32. *Ibid.*
33. Staff interview with Howard Devaney, Nov. 1, 1967.
34. Threatt, testimony, Nov. 6, pp. 27-28.
35. Testimony of Timothy Still, Oct. 13, p. 29.
36. For an example of such a case, see *Newark's Poor and the Law*, Newark Neighborhood Legal Services, Report, 1966-67, p. 17.
37. Spina, testimony, Oct. 30, p. 75.
38. For a history of the Civilian Review Board Controversy in Newark, 1965 see the Human Rights Commission's Public Hearings, Testimony: June 21, July 13, July 27, and Aug. 3, 1965.
39. Cray, Ed. *The Big Blue Line*, New York: Coward-McCann, Inc., 1967, p. 210.
40. Staff interview with David M. Satz, U. S. Attorney, Nov. 21, 1967.
41. Staff interview with Brendan Byrne, Essex County Prosecutor, Nov. 20, 1967.
42. Cray, *op. cit.*, p. 209.
43. *Newark Evening News*, July 22, 1967.
44. *Newark Evening News*, December 12, 1967.

MUNICIPAL COURT

1. *Annual Report of the Administrative Director of the Courts*, Administrative Office of the Courts, Trenton, New Jersey, 1964-65, Table E-2.
2. Staff interview with Chief Magistrate James Del Mauro, Nov. 14, 1967.
3. *Ibid.*
4. Staff interview with Michael O'Connor, Clerk of the Newark Municipal Court, Nov. 22, 1967.
5. Staff interview with George W. Frazier, George's Bonding Agency, Oct. 26, 1967.
6. *Ibid.*
7. Staff interview with Lieutenant Howard Teutsch, Newark Police Department, Nov. 6, 1967.
8. Newark Police Department, *Annual Report*. Comparison of number of adults arrested, "Annual Report of Arrests", p. 14, with cellblock population, "Annual Report of Bureau of Special Assignments."
9. Staff inspection of facilities, Nov. 6, 1967.
10. Testimony of Deputy Chief John Redden, Newark Police Department, Nov. 3, p. 54.
11. Staff interview with Lieutenant Van Tyne, Corrections Officer, Essex County Jail, Nov. 16, 1967.
12. *Ibid.*
13. *Ibid.*
14. Staff inspection of facilities, Nov. 16, 1967.
15. Van Tyne, interview, Nov. 16, 1967.
16. *Ibid.*
17. Staff interviews with members of the Newark Bar, Nov. and Dec., 1967.
18. Van Tyne, interview, Nov. 16, 1967.
19. Frazier, interview, Oct. 26, 1967.
20. Memorandum to Hon. James R. Giuliano, Acting Assignment Judge from Peter Murray, Director of the Essex County Legal Aid Society concerning Summary and Evaluation of the Newark Summer Project, Nov. 14, 1966, p. 2.
21. Staff interview with Mrs. Florence Peshoe, Legal Aid Society, Rutgers Law School, Nov. 23, 1967.
22. Staff interview with Ralph Schmidt, Business Manager, Essex County Jail, Nov. 16, 1967.

23. Peshoe, interview, Nov. 23, 1967.
24. *Ibid.*
25. Del Mauro, interview, Nov. 14, 1967.
26. Staff observation of court proceedings, Nov., 1967.
27. *Annual Report of the Administrative Director of the Courts, op. cit.*
28. Staff observation of court proceedings, Nov., 1967.
29. Del Mauro, interview, Nov. 14, 1967.
30. Staff examination of a sample of case records. The sample is composed of 167 cases; the total number of completed cases began during two approximately one-week periods, April 14-21, 1967 and May 19-26, 1967.
31. N. J. Rules 8: 4-3, *Rules Governing the New Jersey Courts*, Soney & Sage Co., Newark, New Jersey, 1968, p. 624.

"... The court may refuse to accept a plea guilty, and shall not accept such plea without first determining that the plea is made voluntarily with understanding of the nature of the charge..."
32. Staff observation of court proceedings, Nov., 1967.
33. Del Mauro, interview, Nov. 14, 1967.
34. Staff examination of a sample of case records.
35. Del Mauro, interview, Nov. 14, 1967.
36. Staff examination of a sample of case records.
37. Staff interview with Peter Murray, Public Defender, Nov. 8, 1967.
38. Del Mauro, interview, Nov. 14, 1967.
39. Staff interviews with members of the community and of the Newark Bar, Nov. and Dec., 1967.
40. *Ibid.*
41. *Ibid.*
42. *Ibid.*; Staff observations of court proceedings.
43. N. J. Rules 1:3-1(c) *op. cit.*, p. 55.
44. Staff observation of court proceedings, Nov. 1967.
45. *Ibid.*
46. Del Mauro, interview, Nov. 14, 1967.
47. The law allows a judge to take into account the fact that a witness is disinterested in weighing his testimony, but he cannot give testimony extra weight merely because the witness is a policeman.
48. Staff examination of a sample of case records.
49. *Ibid.*
50. Del Mauro, interview, Nov. 14, 1967.
51. Staff interview with Mrs. Anna Mac Sheppard, Assistant Administrator, Newark, Legal Services Project, Oct. 26, 1967.
52. Staff interviews with members of the Negro community and of the Newark Bar, Nov. and Dec., 1967.
53. Staff interviews with members of the Newark Bar, Nov. and Dec., 1967.
8. *Ibid.*
9. Testimony of Carl L. Marburger, Sept. 28, p. 15.
10. In the school year 1965-66 Newark school spent \$521.03 per pupil (general operating costs). New Jersey Taxpayers Association, Inc. *Financial Statistics of New Jersey Local Governments*, 1967, p. 25.
11. About one-third of the students in the upper grades drop out before graduation. Testimony of Donald Malafronte, Sept. 29, p. 21.
12. Chernick, et al., *op. cit.*, p. 10.
13. Based on letters from Herbert Bienstock, Regional Director, U. S. Department of Labor, Nov. 17, 1967, and Dec. 5, 1967.
14. Malafronte, testimony, September 29, p. 21.
15. Newark Model Cities Application, Part 2 (B), Table 1. The city estimates that the total housing stock is 136,777 units. On the other hand, the total number of households has been estimated at 123,600 in "Survey of Buying Power," *Sales Management*, June 10, 1967, p. D-169. The difference is probably due to the high vacancy rate in dilapidated units.
16. *Sales Management*, June 10, 1967, p. D-173.
17. U. S. Department of Housing and Urban Development, *New Jersey by Localities*, June 30, 1967, (accounting machine listing).
18. New Model Cities Application, Part 3, Component B, p. 304. 60% will be for middle income families; 20% for upper income families.
19. General revenue for the year ending December 31, 1965 was \$116,295,000. U. S. Bureau of the Census, *City Government Finances in 1965-66*, GF No. 12, p. 36. This probably includes school taxes and excludes county taxes. For the year ending December 31, 1966, total resources were \$118,360,100. *Financial Report, City of Newark, N. J.*, Part I, p. x. This apparently excludes federal payments of the Housing Authority, but includes state aid for school construction.
20. In 1966, Newark spent \$6,804,900 on interest and retirement of school and municipal bonds (\$2,273,800 interest). This is six percent of total expenditures. *Financial Report, City of Newark, N. J.*, Part I, pp. xi, xv.
21. Eighth Report of the Commission on State Tax Policy (1955) p. 15.
22. U. S. Bureau of the Census, *State Government Finances 1966*, GF No. 11, p. 13.
23. *Id.*, p. 14.
24. *Id.*, p. 11. Data is summarized in Table 2.
25. *Id.*, p. 49.
26. U. S. Bureau of the Census, *Governmental Finances in 1965-66*, GF No. 13, p. 50.
27. *Ibid.*
28. U. S. Bureau of the Census, *State Government Finances in 1966*, GF No. 11, p. 12. This figure is for "intergovernmental revenue from the Federal Government."
29. Information obtained from John Forrer, Special Assistant to the Commissioner, New Jersey Department of Community Affairs.
30. Reprinted in the Ninth Report of the Commission on State Tax Policy (1958), p. 8.
31. Hunter, Gilbert T., "New Jersey's Prize Tax Haven," reprinted in the hearing before the Special Assembly Committee on County and Municipal Government on Assembly Bill No. 20—Dissolution of the Borough of Teterboro, Vol. I. P. 109 *et seq.* (1967).
32. *Ibid.*
33. Ninth Report of the Commission on State Tax Policy (1958), pp. 24-31. The total per capita tax burden

THE ECONOMIC FRAMEWORK

1. Chernick, J., Indik, B., and Sternlieb, G., *Newark, New Jersey Population and Labor Force Characteristics, Spring 1967*. New Brunswick, Institute of Management and Labor Relations, Rutgers, the State University, 1967, p. 7.
2. For example, Newark's population in 1950 was 417,000. It shrank to 397,000 in 1960. *Census of Population 1960*, Vol. J., New Jersey, p. 141. Recent estimates are around 400,000.
3. Chernick, et al., *op. cit.*, p. 20.
4. *Id.*, pp. 3, 4.
5. *Id.*, p. 3.
6. *Master Plan*, 1964, City of Newark, N. J., pp. 119-121.
7. Testimony of Mayor Hugh Addonizio, Sept. 29, p. 38.
8. *Ibid.*
9. Testimony of Carl L. Marburger, Sept. 28, p. 15.
10. In the school year 1965-66 Newark school spent \$521.03 per pupil (general operating costs). New Jersey Taxpayers Association, Inc. *Financial Statistics of New Jersey Local Governments*, 1967, p. 25.
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16. *Sales Management*, June 10, 1967, p. D-173.
17. U. S. Department of Housing and Urban Development, *New Jersey by Localities*, June 30, 1967, (accounting machine listing).
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21. Eighth Report of the Commission on State Tax Policy (1955) p. 15.
22. U. S. Bureau of the Census, *State Government Finances 1966*, GF No. 11, p. 13.
23. *Id.*, p. 14.
24. *Id.*, p. 11. Data is summarized in Table 2.
25. *Id.*, p. 49.
26. U. S. Bureau of the Census, *Governmental Finances in 1965-66*, GF No. 13, p. 50.
27. *Ibid.*
28. U. S. Bureau of the Census, *State Government Finances in 1966*, GF No. 11, p. 12. This figure is for "intergovernmental revenue from the Federal Government."
29. Information obtained from John Forrer, Special Assistant to the Commissioner, New Jersey Department of Community Affairs.
30. Reprinted in the Ninth Report of the Commission on State Tax Policy (1958), p. 8.
31. Hunter, Gilbert T., "New Jersey's Prize Tax Haven," reprinted in the hearing before the Special Assembly Committee on County and Municipal Government on Assembly Bill No. 20—Dissolution of the Borough of Teterboro, Vol. I. P. 109 *et seq.* (1967).
32. *Ibid.*
33. Ninth Report of the Commission on State Tax Policy (1958), pp. 24-31. The total per capita tax burden

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in New York and Pennsylvania is higher, due to the progressive nature of a graduated personal income tax in New York, and the less regressive nature of the sales tax in Pennsylvania.

34. Sternlieb, G., *The Tenement Landlord*, New Brunswick, Urban Studies Center, Rutgers the State University, 1966, p. 214.
35. *Id.*, p. 211.
36. Staff interview with David Kislak, Nov. 24, 1967.
37. Staff interview with Donald Malafrente, Administrative Assistant to the Mayor of Newark and P. Bernard Nortman, Newark City Economist, Nov. 6, 1967.
38. *Ibid.*
39. *Ibid.*
40. *Budget of the United States Government, fiscal year ending June 30, 1968*, pp. 77, 339 and Sales Management, June 10, 1967, p. D-173.
41. *Newark Sunday News*, November 26, 1967.

HOUSING

1. Newark has received the following amounts in housing and urban renewal funds:

	thousands
Low Rent Public Housing Grants	\$158,297
Urban Renewal Grants	117,898
College Housing Loans	1,469
Housing for Elderly and Handicapped Loans	3,590
Sec. 220 Urban Renewal Mortgage Insurance	23,418
Sec. 221 Below-Market Interest Rate Mortgage Insurance	20,308
	\$324,980

U. S. Department of Housing and Urban Development, New Jersey by Localities, June 30, 1967 (accounting machine tabulation).

2. Danzig, testimony, Dec. 5, p. 51.
3. *Id.*, pp. 51-52.
4. At the end of the 1967 session Congress appropriated \$10 million for the rent supplement program. The Department of Housing and Urban Development had requested \$40 million. The leased housing scheme had been implemented by 304 cities in the country, for a total of 47,677 units as of October 20, 1967. Under this scheme, the local housing authority may rent units from a landlord for one to five years, provide needed repairs, place a low-income family in the dwelling and supplement his rent. Staff interview with Mrs. Mary Burke Nicholas, Legislative Coordinator, Regional Office No. 1, U. S. Department of Housing and Urban Development, Nov. 9, 1967.
5. Newark Model Cities Application, Part 2 (B), Table 1.
6. Danzig, testimony, Dec. 5, p. 68.
7. *Id.*, pp. 66, 70.
8. Curvin testimony, Oct. 17, p. 75. Public housing projects in the immediate vicinity and their populations are:

Fuld	923
Hayes	5,296
Hayes (Elderly)	123
Scudder	6,548
Wright	5,278

Total 18,168

Annual Report, Newark Housing Authority, 1967.

9. Melchior, testimony, Oct. 31, pp. 50-51; Curvin, testimony, Oct. 17, pp. 73-74; staff interview with Lt. John Dunsmuir, Newark Police Department, Oct. 23, 1967.
10. Danzig, testimony, Dec. 5, p. 66.
11. However, he considers high rise buildings suitable for elderly persons or small families. *Id.* pp. 68, 92.
12. Staff interview with Willard R. McLearn, Director, Tenant Selection Newark Housing Authority, Nov. 15, 1967.
13. Staff interview with Louis Danzig, Executive Director, Newark Housing Authority, Nov. 14, 1967.
14. McLearn, interview, Nov. 15, 1967.
15. Staff compilation from data supplied by Newark Housing Authority.
16. Sternlieb, G., and Barry M., *Social Needs and Social Resources Newark 1967*, Graduate School of Business, Rutgers, the State University, 1967, p. 9; Sternlieb, G., *The Tenement Landlord*, New Brunswick; Urban Studies Center, Rutgers, the State University, 1966, p. xv.
17. Sternlieb and Barry, op. cit., p. 8.
18. Chernick, J., Indik, B., and Sternlieb, G., *Newark, New Jersey Population and Labor Force Characteristics, Spring 1967*, New Brunswick: Institute of Management and Labor Relations, Rutgers, the State University, 1967, p. 39.
19. This is the approximate surplus that would remain after a year, figuring \$66 per month remaining after normal maintenance and utility payments. From a study prepared for this commission by Prof. Leonard Chazen, School of Law, Rutgers, the State University.
20. Sternlieb, G., op. cit., pp. 215, 227; Sternlieb, testimony Dec. 4, pp. 99-100.
21. Newark Model Cities Application, Part 2 (A), p. 47.
22. Grisby, W., *Housing Markets and Public Policy*, Philadelphia: University of Pennsylvania Press, 1963, p. 109.
23. *Title 55, New Jersey Statutes Annotated*, sec. 14A-7 (c, d) (1967). Power for the local housing authority to enter into leasing agreements of the kind described was vested in 1938.
24. Sternlieb, G., op. cit., pp. 164-170.
25. An account of the Newark Housing Authority's approach to planning may be found in Kaplan, H., *Urban Renewal Politics*, New York: Columbia University Press, 1963. The Executive Director of the Newark Housing Authority disputes the accuracy of the account. Danzig, interview, Nov. 14, 1967.
26. *Progress Report on Federal Housing Programs*, Subcommittee on Housing and Urban Affairs, Committee on Banking and Currency, U. S. Senate, 89th Congress, May 9, 1967, p. 87. Citizens participating in a group officially recognized as representative of residents in a project area in Newark do not feel that they have been allowed to play an effective role in planning. Staff interviews with Mrs. Mildred Helms, President of Clinton Hill Area Rehabilitation Committee, Nov. 11, 1967 and with Mrs. A. T. Sheppard, Assistant Administrator, Newark Legal Services Project, Nov. 15, 1967.
27. Staff interview with M. Carter McFarland, Assistant Commissioner for program, FHA, Nov. 10, 1967 and with James Banks, Director of the Office of Community Development, U. S. Department of Housing and Urban Affairs, Nov. 21, 1967.
28. *Title 40, New Jersey Statutes Annotated*, sec. 55-21, et seq. (1967).

29. Staff interview with Aldo Giacchino, Newark City Planner, Nov. 1, 1967 and with Alfred Booker, President of the Planning Board, Nov. 21, 1967.
30. *Ibid.*
31. Booker, interview, Nov. 21, 1967.
32. Data provided to staff by Donald Malafronte, Administrative Assistant to the Mayor of Newark, Oct. 27, 1967.
33. Chernick, et al., op. cit., p. 39.
34. Federal Housing Administration, *Analysis of the Newark, New Jersey Housing Market*, Washington, D. C.; Oct. 1965, p. 20.
35. Chernick, et al., op. cit., p. 38.
36. Data provided by Joseph D'Alessio on behalf of Joseph P. Nevin, Newark Housing Authority Consultant, Nov. 20, 1967.
37. Chernick, et al., op. cit., p. 39.
38. Staff interview with John D. King, Superintendent of Buildings, Division of Inspections, Nov. 17, 1967, and with Armand Lembo, Director, Division of Inspections, Nov. 27, 1967.
39. Blumrosen, A., "Antidiscrimination Laws in Action in New Jersey, A Law-Sociology Study," *Rutgers Law Review*, vol. 19, no. 2, (1965).
40. Frakt, A., "Administrative Enforcement of Equal Opportunity Legislation in New Jersey," *Rutgers Law Review*, vol. 21, no. 3 (1967).
41. Staff interview with Myron Levin, Housing Supervisor, State Division on Civil Rights, Jan. 5, 1968.
42. *Bergen Evening Record*, Oct. 23, 1967.
43. Downs, A., "The Future of American Ghettos," paper delivered at American Academy of Arts and Sciences Conferences on Urbanism, Cambridge, Mass., Oct. 27-8, 1967, p. 49.

EMPLOYMENT

1. Chernick, J., Indik, B., and Sternlieb, G. *Newark, New Jersey Population and Labor Force Characteristics, Spring 1967*. New Brunswick: Institute of Management and Labor Relations, Rutgers, the State University, 1967, p. 6.
2. *Id.*, p. 9.
3. *Id.*, pp. 21, 22.
4. *Id.*, p. 4.
5. *Id.*, p. 28.
6. *Id.*, pp. 20, 21.
7. Newark Business and Coordinating Council (BICC), *Digest of Opportunities* (1967).
8. Memorandum from Urban League to BICC, May 26, 1967.
9. Chernick, et al., op. cit., p. 10.
10. Staff interview with Raymond Van Benschoten, Skills Center Satellite Director, Nov. 17, 1967.
11. Staff interview with William Blakely, formerly coordinator of Skills Bank, Nov. 14, 1967.
12. Description furnished by organization, dated March 17, 1967.
13. Memorandum dated Oct. 13, 1967 entitled "Operational Plan for Newark Concentrated Employment Program" by J. A. Hurley.
14. Chernick, et al., op. cit., p. 22.
15. Mercer, testimony, Dec. 4, p. 159.
16. Staff interview with Simon Esterowitz, Field Representative, Bureau of Apprenticeship Training, Nov. 2, 1967.
17. Jacobson, testimony, Dec. 5, 1967, pp. 23-24.
18. Marshall, F. R. and Briggs, V. M. *The Negro and Apprenticeship*, Baltimore: Johns Hopkins Press, 1967, p. 233.

19. Blumrosen, A., "Antidiscrimination Laws in Action in New Jersey, A Law-Sociology Study", *Rutgers Law Review*, vol. 19, no. 2, (1965), p. 196.
20. Frakt, Arthur N., "Administrative Enforcement of Equal Opportunity Legislation in New Jersey", *Rutgers Law Review*, vol. 21, no. 3, (1967), p. 446.
21. *Id.*, p. 463.
22. Staff interview with Ray Murphy, Human Resources Administration, City of New York, Nov. 9, 1967.

PUBLIC SCHOOLS

1. Ashby, testimony, Dec. 11, pp. 43-44.
2. *Newark Evening News*, Dec. 5, 1967.
3. Titus, testimony, Dec. 7, pp. 48-49.
4. Model Cities Application, Part 2 (A), p. 17.
5. *Id.*, p. 14.
6. Staff interview with Franklyn Titus, Superintendent of Schools, Oct. 5, 1967.
7. Model Cities Application, Part 2 (A), p. 15.
8. *Ibid.*
9. *Id.*, p. 12.
10. *Id.*, p. 16.
11. *Ibid.*
12. *School Membership Report of Minority Groups in Newark Day Schools, 1961-1966*. (Data based on eye medical inspection and as reported to the State Department of Education) Sept. 8, 1967.
13. *Ibid.*
14. Titus, testimony, Dec. 7, p. 89.
15. *School Membership Report of Minority Groups in Newark Day Schools*, Sept. 8, 1967.
16. *Report of City-wide Testing Program, Grades 3, 6, 7, October 1966*, Newark: Department of Reference and Research, Board of Education.
17. Ashby, testimony, Dec. 11, pp. 43-44.
18. Model Cities Application, Part 2 (A), pp. 17-19.
19. Session on December 27, 1966, Conference room of the Newark Board of Education.
20. Staff interview with Dr. John Henry Martin, Senior Vice President, Responsive Environments Corporation Englewood Cliffs, N. J. Oct. 25, 1967.
21. Model Cities Application, Part 2 (A), pp. 2-3.
22. *The New York Times*, Oct. 14, 1967; Ashby, testimony, Dec. 11, p. 25; Titus, testimony, Dec. 7, pp. 84-89.
23. Titus, testimony, Dec. 7, p. 57.
24. Model Cities Application, Part I (A), p. 2; Titus, testimony, Dec. 7, p. 51.
25. Staff interview with Fred Means, teacher at South Side High School and President of the Organization of Negro Educators, Nov. 3, 1967; Titus, testimony, Dec. 7, pp. 59-61.
26. Means, interview, Nov. 3, 1967.
27. *Ibid.*
28. Titus, testimony, Dec. 7, pp. 50-51, 79.
29. Letter of Dec. 18, 1967 from Donald W. Campbell, Newark Board of Education, Exhibit IV.
30. Titus, testimony, Dec. 7, pp. 66-79.
31. *Ibid.*
32. *Ibid.*
33. Letter to Mayor John Lindsay, "Reconnection for Learning," a Community School System for New York City, Mayor's Advisory Panel on Decentralization of New York City Schools, Nov. 1967, p. 2.

WELFARE

1. Summary of Assistance Activity, Div. of Public Welfare, Dept. of Institutions and Agencies, June 1967.
2. Memorandum supplied by L. W. McCorkle, Comm., Dept. of Institutions and Agencies, Oct. 19, 1967.

3. Hunter, Bert, Who Pays for Public Assistance in New Jersey, Newark, N. J. Council of Social Agencies, Feb. 1967, Mimeo. Table III.
4. Statement of Objectives, Div. of Public Welfare. Approved by Board of Public Welfare, Nov. 18, 1966 and by Board of Control, Dec. 21, 1966.
5. Engleman, testimony, Dec. 4, p. 79.

ANTIPOVERTY PROGRAMS

1. Detailed funding analysis for Program Year B, a nine-month period ending January 31, 1968:

Versatile Funds

Small Business Development Corporation (terminated for lack of funds)	\$22,613
Community Action	480,893
Bessie Smith Community Center	
COPE	148,820
Blazer	246,706
Central Administration	292,108
Leaguers	16,544
Senior Citizens	271,414
Project Enable	31,952
FOCUS	24,041
Seton Hall	51,749

Total Versatile \$1,586,840

Allocation: 50% Community Action; 20% Manpower; 10% Administration and 20% Other (last five programs named)

Earmarked Funds

Board of Education Head Start	\$893,216
Upward Bound	9,719
Pre-School Council	1,595,915
Fuld	29,688
Newark Legal Service	244,436
Senior Citizens	128,417
PAL	268,148

Total Earmarked \$3,269,539

Total for Program Year B 4,856,379
Bessie Smith (Year C funds) 56,299

\$4,912,678

12-month rate: \$6,357,204

Figures furnished by the Accounting Dept., United Community Corporation.

2. Staff interview with Dean C. Willard Heckel, Rutgers Law School, Oct. 30, 1967.
Edward Kirk, Director of the United Community Fund, confirmed this observation based on his own experience as secretary of UCC in a staff interview, Nov. 8, 1967.
3. Miss Josephine Nieves, acting Regional Director of the OEO office in New York City, is quoted as saying as late as April 1966 that Newark has become widely known as "one of the shining examples of a place where anti-poverty really works." *Newark Evening News*, April 21, 1966.
4. UCC was criticized in the testimony of Messrs. Lee Bernstein, Frank Addonizio, William Millard, Anthony de Fino and Mayor Addonizio before the Committee on the Judiciary, United States Senate, 90th Congress, 1st session, hearings on H. R. 421, as well as in the testimony of Mayor Addonizio and Police Director Spina before the Commission, Sept. 29, 1967 and Oct. 30, 1967, respectively.

5. In August 1967 Theodore M. Berry, Director of the Community Action Program, National OEO, described area boards after a visit to Newark as "outstanding examples of what can be done to alleviate areas of stress." *Newark Star Ledger*, Aug. 17, 1967.
6. From the beginning UCC has absorbed the brunt of the pressures and attacks from critics and has served as a buffer for delegate agencies; pre-school program, for example, has hardly been attacked at all. Staff interview with Mrs. Rebecca Andrads, Acting Director, Newark Pre-School Council, Nov. 6, 1967.

7. *Newark Star Ledger*, May 28, 1965.

8. Staff interview with Walter Dawkins, Nov. 8, 1967.

9. New York, City Budget, 1966-67.

10. Dr. L. Sylvester Odom, Executive Director, stated that the Mayor's first words even before social amenities were passed in their first official meeting were "about job slots." Staff interview with Dr. Odom, Nov. 20, 1967.

11. Staff interview with Duke Moore, member of the UCC Board, Nov. 10, 1967.

12. Phrase used by Rev. Kinmoth Jefferson, Executive Director, Greater Newark Council of Churches, staff interview, Oct. 27, 1967.

13. Although recent amendments have substantially altered the shape of the program, the following definition of "community action program" as stated in sections 202(a) and (b) of the Economic Opportunity Amendments of 1967 is useful. These programs are designed to:

1. "Provide services and assistance including innovative approaches to enable low-income persons to achieve economic independence, improve their living conditions, and increase their participation in community activities.
2. Stimulate agencies and institutions which provide services to low-income persons to expand, modify and improve their programs.
3. Mobilize, utilize, and coordinate relevant public and private resources."

Community action programs also require "the maximum feasible participation of residents of the area and members of the groups served in the planning, conduct, administration, and evaluation of all community action program components." There should be "maximum emphasis on local initiative and responsibility."

14. The UCC Board of Trustees is the only body of major significance in Newark which has a majority of Negro participants (84 Negroes out of 114). The Board of Education, with three Negroes out of nine, has the next highest percentage. Yet Newark's population is 52 per cent Negro.
15. Since the summer disorders the relationships between the Newark Legal Services Project and the city administration have become strained as the result of the former's role in assisting persons arrested during the disorders and the suit the project has filed to put the Newark Police Department in trusteeship. Staff interview with Oliver Lofton, Director, Newark Legal Services Project, Nov. 15, 1967.
16. R. Sargent Shriver, National OEO Director made the following statement in a letter to Rep. James C. Garner (R.-N. C.) regarding UCC's role in the disturbances:

"Despite advance publicity about documented proof of the involvement of anti-poverty workers in the Newark riots, none of the four witnesses (appearing

before the McClellan Committee)—Councilman Lee Bernstein, Councilman Frank Addonizio, William Millard, and Anthony de Fino—were able to show any involvement in the riots, or a spark to the riots, by employees of OEO or its funded local agencies.”

Newark Evening News, Sept. 13, 1967.

17. The New Jersey Bar Association has commented favorably on the role of the Newark Legal Services Project during the riot. In a recent report of the officers and staff of the project were cited as being among those throughout the state who “worked tirelessly to provide legal service for all who needed and qualified for help . . . in the best tradition of the legal profession.” “Investigation of Allegations of Participation by Legal Service System in the Newark and Plainfield Riots,” The Committee on Law and Poverty of the New Jersey Bar Association, Emanuel A. Honig, Chairman, p. 12.
18. There seems to be inadequate communication even to the elected Board of Trustees. Staff interview with Mrs. Shirley Lacy, members of the Bergen County CAP Board of Trustees, Nov. 13, 1967, and staff interview with Englewood Councilman Vincente K. Tibbs. Nov. 16, 1967.

HEALTH

1. Model Cities Application, Newark, N. J. Part 2 (A), pp. 22-23.
2. National Commission on Health Services, *Newark Area Community Health Services Study*, June 1965, Report No. 1, pp. 33-34.
3. *Newark Evening News*, Feb. 13, 1963.
4. *Newark Star Ledger*, Sept. 20, 22, 23, 1967; staff interview with Mr. Albert Black, chairman of Newark's Human Rights Commission, Dec. 7, 1967.
5. Staff interviews with nurses during a tour of City Hospital on Nov. 4, 1967. Names withheld on request.
6. The Mayor's first choice to assume administrative leadership shortly after his election was Dr. Henry W. Kolbe of Philadelphia, Pa., who had agreed to come and at the last minute resigned. He was followed by Major Gen. Thomas J. Hartford who served a year and Col. James G. Pappas who left after 18 months as hospital director. *Newark Sunday News*, Sept. 26, 1965.
7. Staff interview with Malcolm Mauber, medical writer for the *Newark News*, Dec. 14, 1967.
8. Complaint filed with the U. S. Dept. of Housing and Urban Development by the NAACP Legal Defense and Educational Fund, Inc., on behalf of the Newark Area Planning Association and the Committee Against Negro and Puerto Rican Removal, p. 20.
9. Staff interview with Dr. Homer C. Wadsworth, President of the Kansas City Association of Trusts and Foundations, and Medical Consultant on the Newark Medical School proposal, Dec. 21, 1967.
10. Lewis, Mercer, *Report on the Loss of Physicians' Services in Newark*, The Hospital and Health Council of Metropolitan New Jersey, June 26, 1967, p. 1.
11. Anne Sommers, *Improving Ambulatory Medical and Health Services in New Jersey*, mimeo. Industrial Relations Section, Princeton University, Sept. 1, 1967, p. 145.
12. Staff interview with Dr. Douglas Ford, secretary of the New Jersey State Medical Society, Dec. 13, 1967

who noted that there was only two Negroes who hold senior staff or administrative positions in hospitals in Essex County.

THE DISORDERS

Newark

1. Testimony of Mayor Addonizio, Sept. 29, p. 12.
2. Testimony of George Richardson, Dec. 8, p. 62.
3. Testimony of Robert Curvin, Oct. 17, p. 68.
4. Testimony of Patrolman Vito M. Pontrelli, Nov. 3, p. 65.
5. *Id.*, p. 67.
6. *Id.*, p. 68.
7. Exhibit C-33.
8. Testimony of John W. Smith, Dec. 4, pp. 130-134.
9. *Pontrelli*, Nov. 3, p. 69.
10. Curvin, Oct. 17, p. 8.
11. Testimony of Police Inspector Kenneth C. Melchior, Oct. 31, p. 3.
12. Curvin, Oct. 17, p. 9.
13. *Id.*, p. 10.
14. *Ibid.*
15. *Id.*, p. 12.
16. *Ibid.*
17. Melchior, Oct. 31, p. 13-14.
18. Curvin, Oct. 17, p. 15-16.
19. Testimony of Timothy Still, Oct. 13, p. 43.
20. Melchior, Oct. 31, p. 17.
21. *Id.*, p. 18.
22. Testimony of Donald Wendell, Oct. 13, p. 110.
23. Melchior, Oct. 31, p. 20.
24. Curvin, Oct. 17, p. 18.
25. Staff interview at Beth Israel Hospital, Nov. 2, 1967.
26. Curvin, Oct. 17, p. 19.
27. Melchior, Oct. 31, p. 21.
28. *Ibid.*
29. Curvin, Oct. 17, p. 21.
30. Wendell, Oct. 13, p. 111.
31. *Id.*, pp. 44-45.
32. Testimony of Dominick Spina, Nov. 6, p. 104; Exhibit C-42, Leaflets.
33. Melchior, Oct. 31, p. 29.
34. Still, Oct. 13, p. 45.
35. Melchior, Oct. 31, p. 32.
36. Still, Oct. 13, p. 46.
37. Melchior, Oct. 31, p. 31.
38. Still, Oct. 13, p. 113.
39. Melchior, Oct. 31, p. 34.
40. Wendell, Oct. 13, p. 114.
41. *Id.*, Oct. 13, pp. 114-115.
42. Melchior, Oct. 31, p. 36.
43. *Id.*, p. 38.
44. *Ibid.*
45. Still, Oct. 13, p. 47.
46. *Id.*, p. 39.
47. *Id.*, p. 40.
48. Curvin, Oct. 17, p. 35.
49. Still, Oct. 13, p. 51.
50. *Id.*, p. 52.
51. *Ibid.*
52. Testimony of Deputy Chief John Redden, Oct. 31, p. 87.
53. Testimony of Donald Malafronte, Oct. 27, p. 54.
54. “Chronological Summary of Newark Riots”, Newark Police Dept., Office of Planning and Research, Aug. 21, 1967, p. 5.
55. Redden, Oct. 31, p. 88.
56. Wendell, Oct. 13, p. 116.
57. Malafronte, Oct. 27, p. 62.

58. *Ibid.*
59. *Id.*, p. 72.
60. *Ibid.*
61. Curvin, Oct. 17, pp. 56-57.
62. Malafronte, Oct. 27, pp. 56-57.
63. *Id.*, pp. 58-59.
64. Testimony of Carl Harris, Dec. 18, p. 144.
65. Malafronte, Oct. 27, pp. 59-61.
66. Spina, Nov. 17, p. 161.
67. Exhibit C-25.
68. Malafronte, Oct. 27, pp. 72-74.
69. *Id.*, p. 27.
70. Spina, Nov. 17, p. 161.
71. Melchior, Oct. 31, p. 63.
72. Spina, Nov. 29, p. 87.
73. *Ibid.*
74. Melchior, Oct. 31, p. 64.
75. Malafronte, Oct. 27, p. 76.
76. Melchior, Oct. 31, p. 65.
77. *Id.*, pp. 69-70.
78. Exhibit C-19, A film made by WCBS-TV, on July 13, 1967.
79. Melchior, Oct. 31, p. 70.
80. *Ibid.*
81. Melchior, Oct. 31, p. 73.
82. *Ibid.*
83. Redden, Oct. 31, p. 74.
84. Melchior, Oct. 31, p. 75.
85. Malafronte, Oct. 27, p. 82.
86. *Id.*, p. 91.
87. Testimony of Mayor Hugh J. Addonizio, Sept. 29, p. 112.
88. Spina, Nov. 17, p. 169.
89. Malafronte, Oct. 27, pp. 90-91.
90. *Id.*, pp. 89-90.
91. Addonizio, Sept. 29, p. 112.
92. Testimony of Major Eugene Olaff, Oct. 3, p. 19.
93. Redden, Nov. 3, pp. 34-35.
94. *Id.*, p. 36.
95. Malafronte, Oct. 27, pp. 84-88.
96. Redden, Nov. 3, p. 34.
97. Spina, Nov. 17, pp. 169-170.
98. *Id.*, p. 169.
99. Redden, Nov. 3, pp. 35-36.
100. *Id.*, p. 37.
101. Addonizio, Sept. 29, p. 114.
102. Spina, Nov. 17, pp. 170-171.
103. Testimony of Governor Richard J. Hughes, Oct. 2, p. 73.
104. Olaff, Oct. 3, p. 14.
105. Testimony of Colonel David B. Kelly, Sept. 19, p. 67.
106. Olaff, Oct. 3, p. 21.
107. Kelly, Sept. 19, p. 74.
108. Olaff, Oct. 3, p. 20.
109. Kelly, Aug. 16, p. 40.
110. Hughes, Oct. 2, pp. 72-73.
111. Malafronte, Oct. 27, p. 111.
112. Kelly, Aug. 16, p. 41.
113. Hughes, Oct. 2, p. 74.
114. Olaff, Oct. 3, p. 21.
115. Kelly, Sept. 19, p. 86.
116. Hughes, Oct. 2, p. 75.
117. Kelly, Aug. 16, p. 46.
118. Kelly, Aug. 16, pp. 45-46, Sept. 19, pp. 90-91; Malafronte, Oct. 27, p. 113.
119. Kelly, Sept. 26, p. 34, Sept. 19, pp. 91-92; Malafronte, Oct. 27, p. 113.
120. Testimony of Atty. General Arthur Sills, Oct. 2, p. 21.
121. Testimony of General James F. Cantwell, Oct. 20, p. 24.
122. Spina, Nov. 29, pp. 120-121.
123. Addonizio, Sept. 29, p. 121.
124. Hughes, Oct. 2, p. 76.
125. Kelly, Sept. 19, pp. 91-92.
126. *Id.*, p. 65; Olaff, Oct. 3, pp. 22-23.
127. Kelly, Sept. 26, p. 19.
128. Cantwell, Oct. 20, pp. 67-70; Exhibit C-20.
129. Kelly, Sept. 26, p. 32.
130. Kelly, Sept. 19, p. 94.
131. Kelly, Sept. 26, pp. 26-27.
132. Kelly, Sept. 19, pp. 93, 99.
133. *Id.*, p. 93.
134. *Id.*, p. 97.
135. Spina, Nov. 29, p. 6.
136. Kelly, Sept. 19, p. 97.
137. Olaff, Oct. 3, p. 23.
138. Kelly, Sept. 19, p. 96.
139. Kelly, Sept. 26, p. 34.
140. "Operational Report", Newark, N. J., Dept. of Defense, Exhibit C-20.
141. Hughes, Oct. 2, pp. 75-76; Kelly, Sept. 26, p. 25.
142. Sills, Oct. 2, p. 19.
143. Kelly, Aug. 16, p. 42.
144. Kelly, Sept. 19, p. 97.
145. *Id.*, p. 96.
146. Kelly, Sept. 26, p. 34.
147. Exhibit C-20.
148. *Ibid.*
149. Exhibit C-14.
150. Exhibit C-117.
151. Exhibit C-14.
152. Kelly, Sept. 19, pp. 41-47 and p. 94; Malafronte, Oct. 27, p. 114.
153. Kelly, Sept. 26, pp. 24-25 and p. 34.
154. "Special Riot Report," Newark Police Department, Oct. 24, 1967.
155. Testimony of Albert Black, Nov. 20, p. 37.
156. Testimony of Janie Carter, Nov. 20, pp. 112-114.
157. Testimony of Father Herbert G. Draesel, Nov. 20, pp. 11 et seq.
158. Testimony of John A. Thomas, Nov. 17, p. 39.
159. Testimony of Oliver Bartlett, Nov. 17, pp. 11-12.
160. *Id.*, p. 18.
161. Testimony of Carol Bartlett, Nov. 17, pp. 23-24.
162. Testimony of Rev. Dennis A. Westbrook, Nov. 17, p. 66.
163. *Id.*, p. 79.
164. *Id.*, p. 84.
165. Kelly, Sept. 26, p. 76; Cantwell, Oct. 20, p. 26.
166. Kelly, Sept. 26, p. 48.
167. Exhibit C-117.
168. Hughes, Oct. 2, p. 81.
169. Kelly, Sept. 26, p. 53; Exhibit C-11.
170. *Id.*, p. 51; Exhibit C-117.
171. *Ibid.*
172. Curvin, Oct. 17, p. 44.
173. Testimony of Enez King, Nov. 13, pp. 41-42.
174. *Id.*, p. 43.
175. *Id.*, p. 44.
176. Testimony of Major Victor Galassi, Dec. 7, p. 36, Exhibit C-158.
177. Testimony of Nancy Ferguson, Nov. 20, p. 85.
178. *Id.*, p. 86; Exhibit C-120.
179. Testimony of Alfred Henderson, Nov. 20, p. 66 et seq.
180. Testimony of Bow Woo Wong, Nov. 13, p. 24 et seq.
181. Testimony of Bertha L. Bixon, Nov. 13, pp. 10-11.
182. Ferguson, Nov. 20, p. 83.
183. Testimony of Joseph E. Hayden, Jr., Nov. 13, p. 119 et seq.

184. Testimony, Nov. 13 of: Pedro Felix, p. 3 *et seq.*; Elmo J. Sessoms, p. 59 *et seq.*; Courtney A. Week, Jr., p. 81 *et seq.*; Laura Peters, p. 113 *et seq.*; Herman W. Jackson, p. 124 *et seq.*; Willie J. Odom, p. 131 *et seq.*; Robert H. Pitts, p. 145 *et seq.*
185. Exhibit C-17.
186. Testimony of Charles A. Mc Lean, Nov. 28, p. 71; Kelly, Sept. 26, pp. 96-97; Galassi, Dec. 7, p. 137 *et seq.*; Sills, Oct. 2, pp. 21-24.
187. Galassi, Dec. 7, p. 140.
188. *Id.*, p. 42.
189. *Id.*, p. 138.
190. *Id.*, p. 144.
191. *Id.*, p. 145.
192. *Id.*, p. 150.
193. Mc Lean, Nov. 28, p. 69.
194. *Id.*, pp. 71, 74.
195. Inspector Thomas M. Henry, Nov. 28, p. 3.
196. Kelly, Sept. 26, pp. 92, 94.
197. Hughes, Oct. 2, p. 81.
198. *Id.*, p. 80.
199. Cantwell, Oct. 20, p. 80-81.
200. Hughes, Oct. 2, p. 84.
201. *Id.*, p. 86.
202. Spina, Nov. 29, p. 43.
203. Sills, Oct. 21, p. 21.
204. Hughes, Oct. 2, p. 87.
205. Spina, Nov. 29, p. 55.
206. Cantwell, Oct. 20, p. 39.
207. State Police Document, "Newark Riot--July 12-17, field, Oct. 24, pp. 56-57.
208. Report entitled, "Results of the Damage Survey of the Newark Riot, from July 12 to July 17, 1967", P. Bernard Nortman, Chief of the Office of Economic Development, City of Newark.
209. Testimony of Newark Fire Director John P. Caulfield, Oct. 24, pp. 56-57.
210. *Id.*, p. 63.
211. *Id.*, p. 64.
212. *Id.*, p. 65.
213. *Id.*, p. 97.
214. Exhibit C-3, minutes of meeting.
215. Kelly, Sept. 19, p. 9.
216. Addonizio, Sept. 29, pp. 41, 117.
217. Kelly, Sept. 19, p. 10.
218. Cantwell, Oct. 20, p. 24.
219. Kelly, Sept. 19, p. 12.
220. Olaff, Oct. 3, p. 8.
221. *Id.*, pp. 6-7.
222. Exhibit C-5.
223. Olaff, Oct. 3, p. 6.
224. Kelly, Sept. 19, pp. 15-17, 26-27; Exhibits C-4, C-6, C-7.
225. Kelly, Sept. 19, p. 20.
226. *Ibid.*
227. Kelly, Sept. 19, p. 28.
228. Olaff, Oct. 3, pp. 11-13.
229. Kelly, August 16, p. 33.
230. Kelly, Sept. 19, pp. 62-63.
231. *Id.*, p. 64.
232. *Id.*, pp. 41-44.
233. *Id.*, p. 46.
234. *Id.*, pp. 42-43.
235. Cantwell, Oct. 20, p. 31.
236. *Id.*, p. 9.
237. Kelly, Sept. 19, p. 8.
238. Redden, Nov. 3, p. 7.
239. *Id.*, pp. 7-18.
240. *Id.*, p. 21.
241. Malafronte, Oct. 27, p. 25.
242. Redden, Nov. 3, p. 24.
243. Spina, Nov. 17, p. 157.
244. *Id.*, p. 156.
245. *Id.*, p. 155.
246. *Id.*, p. 158.
247. Chronological Summary of Newark Riots, Planning and Research Office, Newark Police Department, p. 19.
248. Chernik, J., Indik, B. P., and Sternlieb, G., Newark, *New Jersey Population and Labor Force Characteristics, Spring, 1967*, New Brunswick: Institute of Management and Labor Relations, Rutgers University, 1967, p. 4.
249. Document made available by U. S. Attorney David Satz, exhibited, "Newark Riots--July 12-17, 1967, Analysis of Arrest Reports".
250. The State Police arrested 62 out of 104 for the same offenses. State Police documents, "Newark Riot--July 12-17, 1967," Annex 6.
251. Chernik, *et al.*, op. cit., pp. 6-8.
252. Spina, Nov. 29, p. 34.
253. Testimony of Brendan T. Byrne, Essex County Prosecutor, Nov. 27, p. 6.
254. *Id.*, p. 4.
255. *Id.*, pp. 5-6.
256. Spina, Nov. 19, p. 38.
257. Byrne, Nov. 27, p. 11.
258. *Ibid.*; Spina, Nov. 19, p. 38.
259. Byrne, Nov. 27, p. 17.
260. Staff Interview with William Anderson, Dec. 4, 1967.
261. Malafronte, Oct. 27, p. 93.
262. Spina, Nov. 17, pp. 88-89.
263. *Id.*, p. 89.
264. *Id.*, p. 90.
265. *Id.*, pp. 174-175.
266. Redden, Nov. 3, pp. 40-41.
267. *Id.*, p. 42.
268. Kelly, Sept. 26, p. 18.
269. Olaff, Oct. 3, pp. 25-26.
270. Kelly, Sept. 26, p. 18.
271. *Id.*, p. 53.
272. Cantwell, Oct. 20, p. 27.
273. *Id.*, p. 28.
274. *Id.*, p. 29.
275. Spina, Nov. 29, p. 59; Henry, Nov. 28, p. 20.
276. Redden, Nov. 3, p. 45; Spina, Nov. 29, p. 59.
277. Redden, Oct. 31, p. 91.
278. Henry, Nov. 28, p. 9.
279. Redden, Nov. 3, p. 91.
280. Henry, Nov. 28, p. 20.
281. Byrne, Nov. 27, p. 55.
282. Kelly, Sept. 26, p. 53; State Police document, "Newark Riot--July 12-17, 1967", section entitled "Description", p. 10.
283. Olaff, Oct. 3, p. 7.
284. Spina, Nov. 29, p. 60.
285. Henry, Nov. 28, p. 30.
286. Redden, Nov. 3, p. 45.
287. Exhibit C-120.
288. Exhibit C-109.
289. Redden, Nov. 3, p. 76-77.
290. Spina, Nov. 29, p. 56.
291. Kelly, Sept. 26, p. 65.
292. Redden, Nov. 3, pp. 76-77.
293. *Id.*, p. 89.
294. *Id.*, p. 90.
295. See Exhibit C-14, Reports of Troops A, B and C.
296. Spina, Nov. 29, p. 62.
297. *Id.*, p. 8.
298. *Id.*, p. 9-10.

299. *Id.*, p. 10.
300. Testimony of Elmo J. Sessoms, Nov. 13, p. 63-68.
301. Exhibit C-14.
302. Redden, Nov. 31, p. 96.
303. Kelly, Sept. 26, p. 53.
304. *Id.*, p. 67.
305. *Id.*, p. 54.
306. *Id.*, p. 61.
307. *Id.*, p. 54.
308. Cantwell, Oct. 20, p. 19.
309. *Id.*, p. 14.
310. Kelly, Sept. 26, pp. 52-53; see also Exhibit C-11, a State Police Map of Newark.
311. Olaff, Oct. 3, p. 57.
312. Kelly, Sept. 26, p. 53.
313. Spina, Nov. 28, p. 14.
314. *Id.*, pp. 13, 124.
315. King, Nov. 13, p. 51; Sessoms, Nov. 13, pp. 68, 80.
316. Still, Oct. 13, p. 34.
317. Staff Interview with Lt. R. McConigle, Newark Police Dept., Jan. 12, 1968.
318. Testimony of Richard Spellman, Nov. 20, pp. 3-4.
319. *Id.*, p. 4.
320. Byrne, Nov. 27, pp. 21-23.
321. Letter from David M. Satz, Jr., United States Attorney, Jan. 30, 1968; see also letter from Andrew F. Zazzali, Jr., Assistant Prosecutor, Jan. 10, 1968.
322. Kelly, Oct. 9, p. 59; Sept. 26, p. 99.
323. Kelly, Sept. 24, p. 99.
324. *Id.*, p. 77.
325. Spina, Nov. 29, p. 62.
326. *Id.*, p. 64.
327. *Id.*, pp. 64-65.
328. *Id.*, p. 55.
329. Spina, p. 65.
330. Exhibit C-66.
331. Testimony of Thomas E. Hayden, Dec. 8, p. 47.
332. *Id.*, p. 49.
333. Curvin, Oct. 17, p. 80.
334. *Id.*, p. 79.
335. Still, Oct. 13, p. 80.
336. *Id.*, p. 78.
337. Malafronte, Oct. 27, p. 47.
338. Staff Interview with Russell Sackett, correspondent, Life Magazine, Dec. 15, 1967.
20. *Ibid.*
21. Hennessey, Nov. 24, p. 14.
22. Testimony of Capt. George C. Campbell, Nov. 14, p. 68.
23. Kelly, Oct. 9, p. 7.
24. *Id.*, p. 7; Campbell, Nov. 14, pp. 67-68.
25. Kelly, Oct. 9, p. 7; Campbell, Nov. 14, pp. 71, 109; Cameron, Nov. 10, p. 10.
26. Kelly, Oct. 9, p. 7.
27. Campbell, Nov. 14, pp. 71, 109; Kelly, Oct. 9, p. 7.
28. Campbell, Nov. 14, p. 100.
29. Cameron, Nov. 10, p. 10.
30. Nelson, Nov. 10, pp. 40-41.
31. *Id.*, p. 41.
32. Kelly, Oct. 9, p. 8.
33. *Ibid.*
34. Campbell, Nov. 14, p. 72.
35. Hetfield, Nov. 14, pp. 41-42.
36. Testimony of Attorney General Arthur J. Sills, Oct. 2, p. 25.
37. Kelly, Oct. 9, pp. 8-9, 13.
38. *Id.*, pp. 9-10.
39. *Id.*, pp. 10-11.
40. *Id.*, pp. 8, 11, 13.
41. Hetfield, Nov. 14, p. 43.
42. Campbell, Nov. 14, p. 73.
43. *Id.*, p. 77; Hennessey, Nov. 24, p. 16; Kelly, Oct. 9, p. 11.
44. Campbell, Nov. 14, p. 76; Hennessey, Nov. 24, p. 16.
45. Campbell, Nov. 14, pp. 76-77; Hennessey, Nov. 24, p. 16.
46. New Jersey State Police, Plainfield Riot, July 14-21, 1967, Section 4.
47. Campbell, Nov. 14, pp. 77-78.
48. Staff Interview with Police Chief Milford Payne, Nov. 1, 1967.
49. New Jersey State Police, Plainfield Riot, July 14-21, 1967, Section 4.
50. Cameron, Nov. 10, pp. 19-20.
51. *Id.*, p. 20.
52. Kelly, Oct. 9, p. 11.
53. Campbell, Nov. 14, p. 93.
54. Kelly, Oct. 9, p. 15; Campbell, Nov. 14, pp. 87-89.
55. Campbell, Nov. 14, p. 87.
56. Kelly, Oct. 9, p. 11.
57. Campbell, Nov. 14, p. 83.
58. Kelly, Oct. 9, p. 17.
59. *Id.*, p. 19.
60. *Id.*, pp. 36-38.
61. *Id.*, p. 19.
62. Campbell, Nov. 14, p. 111.
63. Kelly, Oct. 9, p. 36.
64. Statement by Comm'r. Paul N. Ylvisaker, Exhibit C-64, p. 2; Kelly, Oct. 9, p. 21; Ylvisaker, Nov. 27, p. 153.
65. Exhibit C-64, pp. 3, 5.
66. New Jersey State Police Report, Section 7.
67. Kelly, Oct. 9, p. 85.
68. Campbell, Nov. 14, pp. 82-83.
69. *Id.*, p. 105.
70. Kelly, Oct. 9, p. 11; Testimony of Sgt. Robert F. Kitzler, Nov. 24, p. 69.
71. Hennessey, Nov. 24, p. 20; Kelly, Oct. 9, p. 11.
72. Kitzler, Nov. 24, p. 72.
73. Hennessey, Nov. 24, p. 21.
74. *Id.*, p. 21.
75. Kitzler, Nov. 24, p. 74.
76. Sills, Oct. 2, p. 43.
77. Testimony of Deputy Comm'r. Joel Sterns, Nov. 27, pp. 162-163.

Plainfield

1. Testimony of Mayor George F. Hetfield, Nov. 14, p. 8; Col. David B. Kelly, Oct. 9, p. 5.
2. Testimony of Spurgeon Cameron, Nov. 10, p. 5. Testimony of Charles Miller, Nov. 10, p. 86.
3. *Ibid.*, Nov. 10, p. 86.
4. Cameron, Nov. 10, pp. 4-5.
5. Testimony of Lt. Daniel S. Hennessey, Nov. 24, p. 6.
6. Testimony of Robert Nelson, Nov. 10, pp. 31-34.
7. Hetfield, Nov. 14, p. 8; see also Hennessey, Nov. 24, p. 7, who arrived as this group was breaking up.
8. Hennessey, Nov. 4, p. 6.
9. *Id.*, p. 7.
10. Kelly, Oct. 9, p. 6; Cameron, Nov. 10, p. 6.
11. Nelson, Nov. 10, p. 39.
12. *Id.*, pp. 37-38.
13. Cameron, Nov. 10, p. 6.
14. Nelson, Nov. 10, p. 35.
15. Hennessey, Nov. 24, pp. 7-9.
16. Kelly, Oct. 9, p. 7; Hennessey, Nov. 24, pp. 11-14.
17. Kelly, Oct. 9, p. 7.
18. Hennessey, Nov. 12, pp. 11-12.
19. *Id.*, p. 12.

78. Exhibit C-64, p. 5; Kelly, Oct. 9, p. 22; Sills, Oct. 2, p. 28.
79. Exhibit C-64, p. 5; Sills, Oct. 2, p. 28.
80. Exhibit C-64, p. 5; Kelly, Oct. 9, p. 22.
81. Exhibit C-64, p. 6; Kelly, Oct. 9, pp. 22-23; Sills, Oct. 2, p. 30.
82. Sills, Oct. 2, p. 28.
83. Kelly, Oct. 9, pp. 23-26; Exhibit C-64, pp. 7-8; Ylvisaker, Nov. 27, pp. 128, 129, 177, 180; Sills, Oct. 2, pp. 31-33.
84. Exhibit C-64, pp. 7-8; Sills, Oct. 2, pp. 31-32.
85. Exhibit C-64, p. 7.
86. Ylvisaker, Nov. 27, p. 180.
87. Exhibit C-64, p. 9; Sills, Oct. 2, p. 32.
88. Exhibit C-64, p. 9; Sills, Oct. 2, p. 33.
89. Sills, Oct. 2, p. 33; Kelly, Oct. 9, p. 27.
90. Sills, Oct. 2, p. 35; Kelly, Oct. 9, pp. 28-29.
91. Kelly, Oct. 9, p. 29; Sills, Oct. 2, p. 34; Exhibit C-64, p. 9; Ylvisaker, Nov. 27, p. 183.
92. Exhibit C-64, pp. 9-10; Kelly, Oct. 9, p. 29.
93. Sills, Oct. 2, p. 34.
94. Compare Exhibit C-64, p. 10; Ylvisaker, Nov. 27, pp. 185-186; Kelly, Oct. 9, pp. 32; Sills, Oct. 2, p. 36.
95. Kelly, Oct. 9, p. 30.
96. Ylvisaker, Nov. 27, pp. 181, 184.
97. Exhibit C-64, p. 11; Kelly, Oct. 9, p. 30.
98. Sills, Oct. 2, p. 36; Ylvisaker, Nov. 27, p. 185.
99. Kelly, Oct. 9, pp. 32-35; Sills, Oct. 2, p. 37; Exhibit C-64, p. 10.
100. Sills, Oct. 2, p. 37.
101. *Id.*, p. 44.
102. Kelly, Oct. 9, pp. 32-33.
103. Ylvisaker, Nov. 27, p. 186.
104. Sills, Oct. 2, p. 42; Kelly, Oct. 9, p. 36.
105. Sills, Oct. 2, p. 42; Exhibit C-64, p. 12.
106. Kelly, Oct. 9, p. 38; Ylvisaker, Nov. 27, pp. 189-190.
107. Hennessey, Nov. 24, pp. 25-26.
108. *Ibid.*
109. Kelly, Oct. 9, p. 40.
110. Campbell, Nov. 14, p. 93.
111. Hennessey, Nov. 14, pp. 26-27, (Nov. 24).
112. Exhibit C-64, p. 13.
113. Kelly, Oct. 9, p. 42; Sills, Oct. 2, p. 50.
114. Exhibit C-64, p. 14; Kelly, Oct. 9, pp. 43-44.
115. Exhibit C-64, pp. 14-15.
116. Hennessey, Nov. 24, p. 32.
117. Kelly, Oct. 9, p. 43; Campbell, Nov. 14, p. 93; Sills, Oct. 2, p. 48.
118. Campbell, Nov. 14, p. 93.
119. Kelly, Oct. 9, p. 44.
120. *Id.*, pp. 45-46.
121. Ylvisaker, Nov. 27, p. 95.
122. *Id.*, pp. 196-197.
123. *Id.*, p. 199.
124. Kelly, Oct. 9, pp. 47-48.
125. *Id.*, p. 50.
126. Sills, Oct. 2, p. 51.
127. Miller, Nov. 10, p. 98.
128. *Ibid.*
129. Kelly, Oct. 9, p. 51.
130. Campbell, Nov. 14, p. 101.
131. *Id.*, p. 100.
132. Exhibit C-64, p. 21; Hennessey, Nov. 24, p. 46.
133. Sills, Oct. 2, pp. 46, 55.
134. Hetfield, Nov. 14, pp. 8-9; Campbell, Nov. 14, p. 108; Kelly, Oct. 9, p. 59.
135. Campbell, Nov. 14, p. 89.
136. Hennessey, Nov. 24, pp. 55-56; Campbell, Nov. 14, p. 112.
137. New Jersey State Police Report, July 14-21, 1967.
138. Campbell, Nov. 14, pp. 89, 96-97; Interim Police Report, July 28, 1967.

Englewood

1. National Urban League Report as reported in *Bergen Record* November 17, 1964. The median income for Negro families in Bergen County is \$5,686 compared to the median income of \$11,800 for whites.
2. Testimony of Shirley Lacey, Nov. 21, p. 74; John O. Crawley, Nov. 21, pp. 13-18; Russell Major, Nov. 22, p. 156; Reverend Wellington Butts, II, Nov. 22, pp. 99, 102; Michael Romeo, Nov. 22, p. 113; Frederick P. Lee, Nov. 21, p. 51.
3. About 6% of the male workers of 14 years and older are unemployed. This happens to be the highest rate of any community in Bergen County. Testimony of Crawley, Nov. 21, p. 21.
4. Testimony of Michael Romeo, Nov. 22, p. 113; Lee, Nov. 21, p. 55; Lacey, Nov. 21, p. 93-95; Crawley, Nov. 21, p. 28.
5. Testimony of: Reverend Wellington Butts, Nov. 22, 1967, p. 100, line 9-19; Robert I. Miller, Nov. 22, p. 137; Russell Major, Nov. 22, p. 156; Staff interview with Crawley, Dec. 6, pp. 103-104.
6. Volk, Nov. 22, pp. 10-11.
7. *Id.*, p. 11.
8. *Id.*, p. 12.
9. *Id.*, p. 13.
10. *Id.*, p. 14.
11. Testimony of Captain William Harrington, Nov. 22, p. 78.
12. *Id.*, p. 79.
13. *Id.*, p. 68.
14. Testimony of Chief John Madden, Nov. 22, pp. 76-77.
15. *Id.*, p. 66.
16. *Id.*, pp. 66, 76.
17. Volk, Nov. 22, p. 11.
18. Harrington, Nov. 22, pp. 68, 71.
19. *Id.*, p. 69.
20. Harrington, Nov. 22, p. 70.
21. *Ibid.*
22. *Id.*, p. 72.
23. *Id.*, pp. 71-72.
24. *Id.*, pp. 73-74.
25. *Id.*, p. 75.
26. Volk, Nov. 22, p. 27.
27. *Ibid.*, p. 8.
28. *Ibid.*, p. 9.
29. Crawley, Nov. 21, p. 5.
30. *Ibid.*
31. Special Order No. 7-67 issued July 14, 1967, Englewood Police Department.
32. *Bergen Record*; Oct. 24, 1967, p. 2.
33. Volk, Nov. 22, p. 22.
34. Miller, Nov. 22, p. 138.
35. Crawley, Nov. 21, p. 7.
36. *Ibid.*; Butts, Nov. 22, p. 108; Lacey, Nov. 21, p. 84.
37. Frederick Lee, Nov. 21, p. 37.
38. Michael Romeo, Nov. 22, p. 114.
39. Butts, Nov. 22, p. 108.
40. Major, Nov. 22, p. 151.
41. *Ibid.*
42. Lee, Nov. 21, pp. 46-49.
43. *Bergen Record*; Oct. 24, 1967, p. 2.
44. Volk, Nov. 22, p. 16.
45. *Id.*, p. 28.
46. Staff interview with Frederick Lee, John Pitman, Eddie Jones, October 24, 1967.
47. *Ibid.*, Lee, Nov. 21, p. 38.

48. Lacey, Nov. 21, p. 86.
49. *Ibid.*, *Bergen Record*, Oct. 24, 1967.
50. *Bergen Record*, July 22, 1967.
51. *Lee*, Nov. 21, p. 39.
52. *Bergen Record*, July 22, 1967.
53. Volk, Nov. 22, p. 15.
54. *Lee*, Nov. 21, pp. 38-39; Volk, Nov. 22, p. 17.
55. *Lee*, Nov. 21, p. 41.
56. *Crawley*, Nov. 21, pp. 10-11.
57. Volk, Nov. 22, p. 17.
58. *Ibid.*
59. *Romeo*, Nov. 22, p. 120; *Lee*, Nov. 21, p. 41.
60. Volk, Nov. 22, p. 22.
61. *Ibid.*
62. *Id.*, p. 28.
63. *Id.*, p. 10.
64. *Id.*, p. 22.
65. *Id.*, pp. 21-22.
66. Volk, Nov. 22, p. 18.
67. Staff interview with Mayor Volk, Oct. 18, 1967.
68. Record of Cases, Municipal Court City of Englewood, Arrest date, July 22, 1967-July 26, 1967.
69. Volk, Nov. 22, p. 32.
70. *Id.*, pp. 32-33.
71. *Id.*, p. 14.
72. *Id.*, p. 24.
73. *Id.*, p. 26.
74. *Romeo*, Nov. 22, p. 126.
75. *Harrington*, Nov. 22, p. 73.
76. Volk, Nov. 22, pp. 37-38.
77. *Harrington*, Nov. 22, p. 81.
78. *Romeo*, Nov. 22, pp. 128, 122; *Butts*, Nov. 22, pp. 103-106; *Crawley*, Nov. 21, p. 12.
79. Volk, Nov. 22, pp. 30-31.
80. *Bergen Record*, Oct. 24, 1967.
81. Volk, Nov. 22, p. 41.
82. *Id.*, p. 47.
83. *Id.*, p. 50.
84. *Bergen Record*, Oct. 24, 1967.
85. *Butts*, Nov. 22, pp. 105-106.

WITNESSES

Hugh J. Addonizio	Mayor, City of Newark
Preston Akridge	Englewood Resident
Harold J. Ashby	Chairman, New Jersey State Parole Board; President, Newark Board of Education
Carol Bartlett	Teacher, East Orange New Jersey
Oliver Bartlett	Program Director, James Weldon Johnson Com- munity Center, New York City
Albert Black	Chairman, Newark Human Rights Commission; Executive Board Member, Committee of Concern
Reverend E. Wellington Butts, II	Pastor, Bethany Presbyterian Church, Englewood
Brendan T. Byrne	Essex County Prosecutor
George Cannon	Manager, Hayes Homes Housing Project
Major General James F. Cantwell	Chief of Staff, Department of Defense, State of New Jersey
Spurgeon Cameron	Administrator, Middlesex County Economic Opportunities Corporation
George C. Campbell	Captain, Plainfield Police Department
Janie Carter	Housewife, Newark
John P. Caufield	Fire Director, Newark
John O. Crawley	Executive Director, Urban League, Bergen County
Robert Curvin	Director, Rutgers Community Action Intern Program; former Chairman, C. O. R. E., Newark
Louis Danzig	Executive Director, Newark Housing Authority
C. Malcolm Davis	Chairman, Greater Newark Development Council
Dickinson R. Debevoise	Trustee, Newark Neighborhood Legal Services
John DeSimone	Patrolman, Newark Police Department
Bertha Dixon	Luncheonette Owner, Newark
Reverend Herbert G. Draesel	Episcopal Priest, Newark
Irving Engelman	Director, Division of Public Welfare, Department of Institutions and Agencies, State of New Jersey
Louise Epperson	Newark Resident
Ruby Evans	Housewife, Newark
John J. Farrell	Chief Examiner and Secretary, Civil Service Commission, State of New Jersey
Pedro Felix	Owner, Felix's Luncheonette, Newark
Nancy Ferguson	Owner, Retail Furniture and Appliance Store, Newark
William Fields	Bartender, Newark
John A. Fitzsimmons	Retired State Police Major; Member of the Commission's Staff
Frances E. Ford	Newark Resident
Major Victor Galassi	New Jersey State Police
Eddie Hardy	Owner, Womans Apparel Shop, Newark
Thelma Hargrave	Headstart Teacher, Newark
William Harrington	Captain, Englewood Police Department
Earl Harris	Former Administrative Aide to Mayor Hugh J. Addonizio
Joseph E. Hayden, Jr.	Newark Resident
Thomas E. Hayden	Author; Member, Economic Research and Action Project
Alfred Henderson	Photographer, Newark
Lieutenant Daniel S. Hennessey	Plainfield Police Department
Thomas M. Henry	Inspector, Newark Police Department
George F. Hetfield	Mayor, Plainfield
Lawrence Hogue	Chairman, Greater Newark Chamber of Commerce
Charles R. Howell	Commissioner of Banking and Insurance, State of New Jersey
Richard J. Hughes	Governor
Herman W. Jackson	Owner, Bakery Shop, Newark

Joel Jacobson	President, New Jersey Industrial Union Council, AFL-CIO
Reverend Benjamin F. Johnson	Minister, Metropolitan Baptist Church, Newark
Robert H. Johnson	Study Co-ordinator for Special Services, Board of Education, Newark
LeRoi Jones	Author
Colonel David B. Kelly	Superintendent, New Jersey State Police
Marian Kidd	Executive, Tri-Party Board, Area Board No. 3, Representative for U. C. C., Newark
Enez King	Cleaning Store Owner-Operator, Newark
Sergeant Robert F. Kitzler	New Jersey State Police
Lawrence F. Kramer	Mayor, Paterson
Shirley M. Lacy	Englewood; Member of the Board, Bergen County Community Action Program
Frederick D. Lee	Community Development Aide, Bergen County Community Action Program, Englewood Center
John Madden	Chief, Englewood Police Department
Russell Major	Housing Authority, Englewood
Donald Malafronte	Administrative Assistant to Mayor Addonizio
Raymond F. Male	Commissioner, Department of Labor and Industry, State of New Jersey
Carl L. Marburger	Commissioner of Education, State of New Jersey
Leo McCallum	Member, "The Nation of Islam"
Dorothy McClendon	Housewife, Newark
Lloyd McCorkle	Commissioner, Department of Institutions and Agencies, State of New Jersey
Colonel Charles A. McLean	New Jersey Army National Guard
Olivia McRimmon	Newark Resident
Kenneth C. Melchior	Inspector, Newark Police Department
William A. Mercer	Co-ordinator, Business Industrial Co-ordinating Council, Newark
Charles E. Miller	Member, Human Relations Committee, Plainfield
Robert I. Miller	Mayor, Englewood
Robert Nelson	President, Teen Corps, Plainfield
Willie J. Odom	Owner, Card and Gift Shop, Newark
Major Eugene Olaff	New Jersey State Police, Operations Officer
David Perez	Executive Director of FOCUS, a Newark Organization of Spanish-speaking residents
Laura Peters	Owner, Tailor Shop, Newark
Robert H. Pitts	Owner, Pet Shop, Newark
Vito M. Pontrelli	Patrolman, Newark Police Department
John L. Redden	Deputy Chief, Newark Police Department
George C. Richardson	Assemblyman, Legislature, State of New Jersey
Michael Romeo	Investigative Reporter, The Bergen Record, Hackensack, New Jersey
Carmen F. Rosa	Patrolman, Plainfield Police Department
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Bow Woo Wong	Laundry Owner-Operator, Newark
Dr. Nathan Wright, Jr.	Author; Executive Director, Department of Urban Work, Episcopal Diocese, Newark
Paul N. Ylvisaker	Commissioner of Community Affairs, State of New Jersey

EXHIBITS

C-1	9-7-67	Table of Organization, New Jersey State Police
C-2	9-7-67	State Police Personnel Roster
C-3	9-19-67	Minutes of Meeting with Gov. Hughes and Mayors of Newark, Trenton, Camden, Elizabeth, Jersey City and Paterson
C-4	9-19-67	State Police Survey of Cities 1965
C-5	9-19-67	State Police Manual on Riot Control
C-6	9-19-67	State Police Survey of Cities 1966
C-7	9-19-67	State Police Survey of Cities 1967
C-8	9-19-67	State Police Logs, July 12, 1967
C-9	9-22-67	Department of Institutions and Agencies Exhibit Re: Parolees
C-10	9-22-67	Division of Welfare Statistics on Welfare Applications, City of Newark
C-11	9-26-67	Map of Newark Depicting State Police Operation during the riots
C-12	9-26-67	State Police Troop Assignment and Map of areas patrolled in Newark
C-13	9-26-67	Film made by State Police during rioting in Newark and Plainfield (Seen by Commission but not in its possession)
C-14	9-26-67	Report of Sniping incidents made to State Police by Newark Police and Fire Departments, and Troops A, B and C of the State Police
C-15	9-28-67	State of New Jersey Civil Service Circular No. 90, "Employment of Persons Who Have Been Convicted of Certain Offenses"
C-16	9-29-67	Film made by WCBS-TV During Early evening of July 13 in Front of Fourth Precinct, Newark (Seen by Commission but not in its possession)
C-17	10-3-67	Report to the Governor's Select Commission on Civil Disorders by Dickinson R. Debevoise, Member, Board of Trustees, Newark Legal Services Department
C-17A	10-9-67	Map of Plainfield submitted by State Police
C-18	10-13-67	Statement of Timothy Still, President, Board of Trustees, United Community Corporation, Newark
C-19	10-13-67	"The Crusader", July 1967. Newspaper published by United Community Corporation, Newark
C-20	10-20-67	After Action Report, State of New Jersey Department of Defense
C-21	10-20-67	NJARNG Regulation No. 120-5. "Emergency Plan for Domestic Disturbances"
C-22	10-20-67	New Jersey Department of Defense, General Order No. 28. Order to Active Duty of National Guard, July 14, 1967
C-23	10-23-67	Map of Newark and its urban-renewal projects with indications of damage done during riots
C-24	10-24-67	Instructions issued by Newark Fire Department on Public Disorders
C-25	10-27-67	Leaflet "Stop Police Brutality, Come out and join us at the mass rally, 4th Precinct", July 14, 1967
C-26	10-30-67	Petition for "Canine Corps"
C-27	10-30-67	Newark Police Table of Organization, 1965
C-28	10-30-67	Local Announcement to Picket 5th Precinct, June 29, 1964
C-29	10-30-67	Photograph taken outside 4th Precinct
C-30	10-30-67	Photograph taken outside 4th Precinct
C-31	10-30-67	Picture of Felix Neal, Jersey City Lawyer at 5th Precinct Demonstration, June 1964
C-32	10-30-67	"Studies on the Left", Norm Fuchter and Robert Kramer
C-33	10-31-67	Incident Report, Regarding Arrest of John William Smith
C-34	11-6-67	Document "Mayor Hugh J. Addonizio's Statement on a Police Review Board for Newark", September 15, 1965
C-35	11-6-67	Newark Police document "Application for Police Community Relations Training Program"
C-36	11-6-67	Documents relating to Robert Curvin and Congress on Racial Equality
C-37	11-6-67	Document relating to the Blackman's Volunteer Army of Liberation and Hassan Jeru-Ahmed
C-38	11-6-67	Documents with reference to Thomas Hayden and Students for a Democratic Society
C-39	11-6-67	Documents with reference to Newark Community Union Project
C-40	11-6-67	Documents with reference to the <i>Negro Labor Vanguard</i>

C-41	11-6-67	Document "Policy of the Newark Police Department", dated July 1, 1963
C-42	11-6-67	Two leaflets with instructions on making "Molotov Cocktails"
C-43	11-6-67	Letter from <i>Police Athletic League</i> President Anthony Giuliano to Sergeant Shriver concerning U. C. C. interference in P. A. L. programs, Aug. 18, 1967
C-44	11-10-67	Proposed Police Complaint Form, Plainfield
C-45, C-46, C-47	11-13-67	Photos submitted by Elmo Sessoms of damage done to plate glass windows by bullets
C-48	11-14-67	Statement of Mayor Hetfield "The Police Role in Enforcing the Law and Preserving Order"
C-49	11-14-67	Recommendations of Mayor Hetfield; "Suggested Corrective Measures to Prevent Future Riots"
C-50	11-17-67	Memo on Hate Literature prepared by Det. William Millard, Newark Police Department, November 7, 1967
C-51	11-17-67	Notice on Leroi Jones' Imprisonment
C-52	11-17-67	Memo on Hate Literature prepared by Det. Frederick Rothlein, Intelligence Unit, Newark Police, Nov. 7, 1967
C-53	11-17-67	"Blackman's Defender Newsletter," Oct. 21, 1967
C-54	11-17-67	Pamphlets and Leaflets on Black Power Rallies collected by Director Spina
C-55	11-17-67	Newark Police Memo Re: Barringer High School, 10/10/67 with attached correspondence
C-56	11-17-67	Newark Police Memos Re: Arrest of Black Muslims, Det. Hedge-speth to Lt. Ferrante
C-57	11-17-67	Newark Police Manual on Riot Control
C-58	11-17-67	Governor Hughes' Riot Proclamation, August 8, 1967
C-59	11-20-67	Grievance Complaint presented by Albert Black, July 15, 1967
C-60	11-24-67	Riot Information provided by Patrolman Donald Tucker, Plainfield Police Department, July 22, 1967 (Sunday Afternoon)
C-61	11-24-67	Riot Information provided by Patrolman Donald Tucker, Plainfield Police Department, July 22, 1967 (Sunday Evening)
C-62	11-24-67	Riot Information provided by Robert W. Lee, Investigator, Union County Prosecutor's Office, July 21, 1967
C-63	11-27-67	Essex County disposition of bail hearings, presented by Brendan Byrne
C-64	11-27-67	Statement of Paul N. Ylvisaker Re: Plainfield Riots, Nov. 18, 1967
C-65	.....	Number 65 Not Used
C-66	11-29-67	Arrest Reports prepared by Newark Police Department of Total number of persons arrested during riot
C-67	11-29-67	Police Athletic League Summer Neighborhood Block Recreational and Improvement Frontier Club Program
C-68	11-29-67	Newark Star Ledger article "Hughes sees no repetition of last summer's riots" Oct. 22, 1967
C-69	11-29-67	Letter to the Editor of Newark paper from William Hicks, Newark Police Department, July 25, 1967
C-70	11-29-67	Letters, Stating Principles of Newark Association for Community Reform
C-71	11-29-67	Memos to Director Spina on White Indignation Group
C-72	11-29-67	Information provided by Director Spina on "Loyal Americans for Law and Order"
C-73	11-29-67	Training pamphlet compiled by Mr. Thomas Hayden, July, 1965
C-74	11-29-67	Daily News clipping submitted by Director Spina on Barringer School problems, Oct. 12, 1967
C-75	11-29-67	Rowland Evans and Robert Novak editorial, November 26, 1967
C-76	11-29-67	Newark Evening News article, November 28, 1967—"Charge Med School Use of Funds Illegal"
C-77	11-29-67	Newark Evening News article, November 28, 1967—"Planners call med school site blighted"
C-78	12-4-67	Remarks by Mr. Irving Engleman, Division of Public Welfare, State of New Jersey, October 27, 1967
C-79	12-4-67	Division of Public Welfare, State of New Jersey, Summary of assistance activity for the month of June, 1967
C-80	12-4-67	Division of Public Welfare, State of New Jersey, Public Welfare statistics for month of July, 1967
C-81	12-4-67	Division of Public Welfare, State of New Jersey, Public Welfare statistics for month of January, 1967

C-82	12-4-67	Division of Public Welfare, State of New Jersey, General Assistance Program—Statement reporting number of persons aided Dec., 1966
C-83	12-4-67	Division of Public Welfare, State of New Jersey, General Assistance Summary Jan.-Dec. 1966 with commitment and case load
C-84	12-4-67	Division of Public Welfare, State of New Jersey, Publication: "Recommended Basic Standards for Family Day Care"
C-85	12-4-67	Division of Public Welfare, State of New Jersey, Publication: Facts About Family Day care (For parents who provide Day Care)
C-86	12-4-67	Division of Public Welfare, State of New Jersey, Publication: "Facts About Family Day Care (For Parents Whose Children Use Family Day Care)"
C-87	12-4-67	Division of Public Welfare, State of New Jersey, Publication: "Day Care"
C-88	12-4-67	Division of Public Welfare, State of New Jersey, Section 317; Categorical Assistance Budget Manual
C-89 to 103	12-7-67	Documents submitted on behalf of the Committee of Concern
C-104	12-7-67	Committee of Concern Document "A call for Urban Coalition"
C-105	12-7-67	Statement of Committee of Concern for release December 8, 1967
C-106	12-7-67	List of Complaints submitted by Maj. Galassi, New Jersey State Police
C-107	12-7-67	List of Cars deployed in Newark area by New Jersey State Police
C-108	12-8-67	Photograph of windows riddled by bullets, submitted by Mr. Earl Harris
C-109	12-11-67	Letter from General Cantwell, New Jersey National Guard, Re: Amount of ammunition expended during Newark-Plainfield civil disorders Nov. 9, 1967
C-110	12-11-67	Letter from Dr. Paul O'Rourke to Paul Ylvisaker Re: Credentials of Mr. McDonald, Oct. 10, 1967
C-111	1-4-68	"Muhammad Speaks", Newspaper submitted by Leo McCallum, Dec. 8, 1967
C-112	1-4-68	Autopsy Reports on individuals killed during riots
C-113	1-4-68	Ballistic Reports (Newark Police)
C-114	1-4-68	Ballistic Reports (Essex County Prosecutor's Office)
C-115	1-4-68	Seven incident reports from Newark Police
C-116	1-4-68	Report concerning Exhibit C-115
C-117	1-4-68	Chart of homicides that occurred during the Newark Riots
C-118	1-4-68	Affidavits from the Newark Neighborhood Legal Services
C-119	1-4-68	Memo on ammunition expended by the State Police during the Newark Riots, Dec. 29, 1967
C-120 and 121	1-4-68	Two photographs of M-1 Bullet clip re: testimony of Miss Nancy Ferguson

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**STATEMENT BY GOVERNOR RICHARD J. HUGHES
TO THE GOVERNOR'S SELECT COMMISSION FOR THE
STUDY OF CIVIL DISORDER IN NEW JERSEY**

New Jersey has experienced a tragedy which, to paraphrase the President of the United States, no state should have to live through: a time of violence stalking the streets of cities in our State, a breakdown of law and order never before experienced in our history.

The aftermath of this deeply troubling eruption gives rise to a fixed determination that never again, if it is within our capacity to prevent it, shall such a tragedy occur. It was with the urgency of this problem in mind that I asked the distinguished members of this Select Commission to serve our State by examining the causes, the incidents, and the remedies for the civil disorders which have afflicted New Jersey.

In considering the magnitude and the shock of these occurrences, I have been recalling some very meaningful statements of leaders of this State and nation, for what has happened in New Jersey in many respects finds a parallel in what has happened in other parts of America. And so, in a sense somewhat different and more tragic than the reference of my distinguished predecessor Woodrow Wilson, New Jersey might be considered the laboratory state of the nation, and even as it has suffered from an illness common to that nation, so it may find the way to a cure for this grave and widespread affliction.

And another American President, John F. Kennedy, once said that, "The Chinese word 'crisis' is composed of two characters, one signifying danger and the other signifying opportunity . . . the (times have brought us) both danger and opportunities. Our task is to overcome the dangers in order to see the opportunities."

Thus, as you undertake these serious deliberations on behalf of your fellow citizens, you will certainly be considering the dangers to which New Jersey has been exposed as well as the opportunity which lies within our reach to make sure that we surmount these dangers not only for the benefit of New Jersey but indeed for the nation.

Some people say, and I must agree to a point, that these problems have been studied at length and that in many respects there is not much new that we can learn about these disorders and their underlying causes. However, I do believe that the clear and credible judgment of a distinguished body such as this Select Commission should examine this matter from the vantage point of the unhappy intimacy we have had with it in New Jersey to the end that maximum light may be shed upon what may be the manifestation in New Jersey of an American problem.

It is the solution of these problems to which I hope the Commission will direct its attention in the months ahead, for what I am seeking, and what the people of New Jersey expect, is not a meaningless and detailed repetition of studies, but a realistic analysis of the disorders which erupted in New Jersey and practical proposals which, hopefully, will prevent their recurrence in our State.

It is important that the people of New Jersey be given a full, impartial report on the events in Newark and other communities in our State. It is necessary that the causes of these disorders, as seen by the Commission, be fully and objectively explored. But it is most important that the Commission, in its maturity and wisdom and with all the generous devotion which its members have so often given the well-being of New Jersey, shall point the way to the remedies which must be adopted by New Jersey and by the nation to immunize our society from a repetition of these disasters.

In this connection we may recall another statement by Woodrow Wilson to the effect that:

"Government is not a warfare of interests. We shall not gain our ends by heat and bitterness, which make it impossible to think either calmly or fairly. Government is a matter of common counsel, and everyone must come into the consultations with the purpose to yield to the general view, the view which seems more nearly to correspond with the common interest."

Thus, as I conceive the mission of this body, you will involve yourselves not so much with recriminations from the past as with hopes and plans for the future. By this I do not mean that I expect the Commission to avoid a plain statement of whatever it determines to have been the causes of the disorders, but rather to rest upon that foundation of causal relationship a thoughtful

declaration of those steps which are advisable to eliminate such causes and hence to prevent such disasters.

For example, it is more than likely that among the major causes of these tragedies has been a lack of communication between men who are or should be well disposed toward each other. It should be a major order of business for you to determine whether there indeed has been adequate communication—and full, sympathetic and just discussion of problems and programs affecting minority groups in American life—between the people themselves and government at every level, as well as the business community, labor and other institutions. It must be determined whether the disorders in Newark and other areas were possibly, and to what degree, a matter of frustration stemming from an inability to obtain a fair consideration of the grievances of people in our predominantly Negro communities. I think it is a matter of common agreement that, even as communications between the nations of the world are necessary to understanding, so communication between fellow Americans in our pluralistic society is an indispensable prerequisite to understanding and, hence, to peace. In the connotation of a fair hearing and adequate communication, of course, we are not referring to a formalistic matter, but are really dealing with a sense of participation in which all Americans act toward American objectives together. We are not two nations or two cultures, as presently advocated by extremists who seek to divide America, but are rather, in the words of our familiar Pledge of Allegiance—"one nation, under God, indivisible, with liberty and justice for all."

Perhaps you will determine that this latter part of that expression, "with liberty and justice for all," has been forgotten by many of us, leading to the separation of Americans, a situation which must be remedied, and very quickly, if we are to be the "one nation" which we should be.

This clause, "liberty and justice for all," raises another question. Has any breakdown of this ideal contributed to the strife which many people believe exists between the police community and the community of the disadvantaged? What part of this reported estrangement is attributable to alleged police brutality, and what part of it issues from the growing sense of disrespect for all discipline and authority, centering upon the public representatives of that authority, namely the police?

How may this estrangement be remedied? Should there not be a meaningful reorientation, both of some members of the police community in their outward attitude to citizens of all races, colors and creeds, and by the same token a renewed insistence by society upon respect for those responsible for law and order, including the police? How may all this, if need be, be accomplished?

As you know, I have already indicated an important strengthening of our police training effort, including an active recruitment program of the State Police to reach into the Negro community for some of the fine young men who should be added to the ranks of police professionalism. And other means may be suggested by this Commission for the restoration of mutual confidence and respect by the public and police authority, as all elements of our population come to recognize in that authority not only the symbol of law and peace in every community but also the main hope for the protection of the rights of human safety and private property. This is another way of saying that in America every man and every family should be safe and not feel compelled to live in a state of armed preparedness but be able to depend upon society for the securing of that peace and order which should exist in every community. A strong America need not be an armed camp. In the Preamble to the Constitution, "We the people of the United States" designed that Constitution, among other things, to "insure domestic tranquility." And when we consider what the clause "We the people" means to most observers shocked by this tragedy, 98 per cent of the Negro and white communities alike, it is apparent that the restoration of law and order is the necessary goal of all but that small group of racists, white and Negro alike, who invoke violence and murder in our streets. This tiny minority openly proclaims its hatred of America and must be isolated for the protection of America.

But I should make it perfectly clear that I do not look upon this Commission as a grand jury or a law enforcement agency of any kind, to the end 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. Rather, with regard to this whole area of police-community relations, I would hope that, while a full review of the reports and treatment of specific cases and incidents may be necessary, and while, indeed, the fullest communication between the Commission and the public may be advisable, the Commission will direct itself primarily to a study and conclusion as to the general causes underlying whatever conditions it finds to exist, and concern itself, too, with recommendations to eliminate such causes.

Nor can the work of this Commission be complete without equal attention to the economic and social factors surrounding these disorders. A host of questions confronts you here—the unemployment factor; the ability of a member of the Negro community or a member, whatever his race, of the impoverished community to obtain a decent job; the matter of adequate training for those who would actively seek work but do not have the skills; the participation of the business community in efforts to seek out qualified people for positions; the degree of success or failure of government, business, labor and other institutions to really do something about reaching into the community with job opportunities so that all Americans can participate; and other basic relationships between the business community and citizens, regarding such things as cost to the consumer for basic commodities, consumer frauds and the like.

Many opinions have indicated that one of the causes of social collapse in our communities has been the breakdown in the family structure. Hence it may occur to the Commission to examine this family breakdown, how the family may be restored, and whether existing welfare programs lend maximum opportunity and stability to the family unit.

The fulfillment or nonfulfillment of public policy, both on the State and Federal levels, with regard to housing, education, employment and general economic stability are other matters which will occur to the Commission in determining the root causes of the situation in which our society finds itself, with the dangers it presents both to the public order and to the realization of the American dream of equality and full opportunity which has been much too long in the attainment.

What is the adequacy or inadequacy of education in New Jersey today? This Commission could never hope to finish its task without an extensive study of the problems of education confronting those in our predominantly Negro communities. Once again, I am not speaking here of theories and studies which are frequently overworked. What I am concerned about is the real and immediate problem of providing adequate facilities and a high quality of education for the young people who should one day be the leaders of our communities and for the citizens who want to be equipped with the basic skills to obtain a decent job.

We must never forget that the training of our children has a decisive impact, for good or ill, upon those who will be the adult citizens and the leaders, for good or ill, of tomorrow's New Jersey society. Society must extend itself to reach out for these young minds with adequate education, with decent treatment, with all the tools at our command, for if we leave a vacuum it will surely be filled by the extremism of the times. After all, these young people are Americans and they are worth fighting for and this, of course, means that we must see that each receives the highest level of meaningful and relevant education.

I am sure you will agree that this New Jersey problem cannot be considered as though New Jersey were a strange island separated from the nation of which it is a part. Consequently, I will ask the Commission to consider the posture in which the country finds itself today and the impact which those correct or mistaken solutions can have upon the problems of New Jersey.

Shall the nation adopt merely a repressive attitude, as though by increased riot control training of National Guard and police alone it can contain the disorders which must surely occur if matters stand as they are now? Should it not, giving due emphasis to these necessary protections to the peace and order of society, concentrate with utmost vigor upon the eradication of evils which exist so notoriously as almost to be beyond the necessity of proof?

For example, consider the situation of Newark, the scene of an American disaster which has shocked the nation, as portrayed in its application under the Federal Model Cities law, by other sources:

Among the nation's largest cities with a population upwards of 400,000 people, it has the heaviest property tax burden in the nation; it has the sharpest shifts in population; it has the highest crime rate per 100,000 population; it has the highest rate of substandard housing; it has the highest rate of venereal disease; it has the highest rate of increase in tuberculosis; it has the highest rate of maternal mortality and the second highest rate in infant mortality; it is second highest in population density, and second highest in birth rate; it is seventh in the absolute number of drug addicts.

Newark's school system, now at 70,000 pupils, expects an additional enrollment of 10,000 this year; it is short several hundred certified teachers; there is a yearly turnover in the school system of 44 per cent—pupils moving from school to school or into the system from the outside; one-third of the pupils each year are new arrivals; the cumulative dropout rate between the years 1962-1966 was 32 per cent. No new public school buildings were built in Newark between 1930 and 1955; three or four now in use were built before the turn of the century, and most of

the schools are more than fifty years old. Unless nearly three hundred new classrooms are built or otherwise made available for next year, large numbers of youngsters will have to go on triple sessions, meaning three hours of school per day per youngster.

Is it not clear, in consideration of these facts, that we have fallen far short of the mark in our quest for excellence and the opportunity for a decent life and a meaningful education for every citizen? I ask this Commission to determine not only the deficiencies, not only the distance we have yet to go, but also, and more importantly, how we and the nation may promptly traverse this distance and reach the goal which America must seek.

I have not undertaken to describe the full dimensions of the problem which your State has placed before you. You are, truly, probing into the soul and future not only of New Jersey but of the nation. Thus you can understand the importance of the mission which you are undertaking so generously and with such determination. I offer you all of the assistance that State Government can provide. I commend you for your devotion to the State which we all love so much, and I encourage you upon the fulfillment of a mission which is most important to its future.

The motto of one of our sister states is this: "The life of the land is the pursuit of righteousness." In a real sense, your mission for New Jersey is the pursuit of righteousness, not only for the securing of public order but for the attainment of social justice on which it ultimately must depend.



END