



10. Jimmy came out from where he was hiding and said, "don't shoot, I'll serve my time in jail". Two of the troopers ordered Jimmy to stand facing a wall with his hands raised above his head, palms against the wall. Then they frisked Jimmy and found nothing on him. One Trooper was standing somewhat away from Jimmy pointing a single barrel shotgun at him.

11. The two who searched Jimmy left Jimmy there and came over beside the gun-holding Trooper, during which time, Jimmy had turned from the wall to face the Troopers. Jimmy then said, "don't shoot, I'll come peacefully". The Trooper who had had his gun trained on Jimmy, without warning, for no reason at all, and although he was in no danger of attack, shot at Jimmy from a distance of about 3 feet. Jimmy fell back from the one shot. He was on the floor, but the same Trooper shot Jimmy some more times.

12. Then, one of the Troopers, who had searched Jimmy said, "the nigger ain't dead yet". The Trooper who shot Jimmy said, "die nigger, die".

13. I then heard the Trooper reload his rifle. I saw him shoot Jimmy some more times. I could see Jimmy's body on the floor. I could see the Trooper shooting down into Jimmy's body.

14. One Trooper said, "he must be dead with all the buck shot in him". Another Trooper said, "let's get that body out of here". There was a suggestion by one of the Troopers that a knife be placed in Jimmy's hand. However, it was in

decided at the suggestion of another Trooper that a pair of scissors be placed in Jimmy's hand. There was nothing in Jimmy's hand before this time. I saw one Trooper then bend over Jimmy's body with the apparent purpose of putting a pair of scissors into Jimmy's hand. However, inasmuch as the Trooper blocked my view, I was unable to see the Trooper actually place anything in Jimmy's hand.

15. A cameraman had come in and I heard a camera snap. I saw them moving the body around after some pictures were taken with the camera. They took some more pictures. At the same time, some of the Troopers were knocking some of the stools and other heavy things around the bar.

16. I heard the ambulance arrive. Shortly thereafter, two men in blue plain uniforms came in with a stretcher. They put Jimmy's body on the stretcher and took him outside. At this time, one Trooper said, "do you think there are any more inside", or words to that effect. Another said, "better make sure", or words to that effect. Some of the Troopers searched the area once more, but did not find us. Some other Trooper went to the Bergen Street door and locked it. They all left the inside through the hole in the window on Custer Street. They boarded up the hole. Bryan, Dennis and I were still inside.

17. As soon as the banging stopped, Bryan said that he wanted to leave our hiding place. He came out from under the counter, crawling on the floor. He went to the window that had been boarded up. Dennis also crawled to the window and pushed out one of the boards. When this happened, a State

Trooper saw Bryan and told him to come out. Bryan came out. The Trooper asked him, "who else is in there with you?" Bryan told him that I was inside, not mentioning Dennis. The Trooper told me to come out.

18. Dennis and I both came out with our hands up. They lined all three of us up facing the wall, palms above our heads against the wall. They searched us thoroughly. I noticed that the National Guard was on hand at this time.

19. A fat State Trooper said to Bryan, "you better say that this man put you up to this", or words to that effect, pointing to Mr. Gary, Bryan's father, who was walking up Custer towards Chadwick at this time. Bryan said, "I can't do that". The fat Trooper said, "if you can't say that, I am going to take all three of you inside and shoot you", or words to that effect. Bryan said, "I can't do that because he is my father". The fat trooper hit Bryan in his right eye with the barrel of his rifle. The fat Trooper then moved over to Dennis, who was standing between Bryan and me. He asked Dennis, "why did you go in there". He then hit Dennis in the right side with the barrel of his rifle. Dennis didn't say or do anything. He then moved over to me and also asked me "why did you go in there?" He then, for no reason, hit me on my right shoulder with the butt of his rifle. I did not say or do anything.

20. Some National Guardsmen and State Troopers began questioning Mr. Gary. I heard them accuse him of putting the three of us up to going into Joe Rae's. The State Trooper said to Mr. Gary, "you could have had those kids killed in there".

Mr. Gary said, "I did not put those kids up to doing this; do you think I would put my own son up to going in there and getting himself killed", or words to that effect.

21. One older State Trooper came over to me and put his pistol to my head saying, "how does this feel?"

22. At this time the City Police arrived; there were three cars, six policemen in each 2 cars with three Negro policemen in another car. Sergeant Sellers, a Negro of the Fifth Precinct was in one of the cars. One of the Troopers said at this time, "we ought to take you back in there," referring to Joe Rae's. Sergeant Sellers said, "we will take them to the Fifth Precinct" referring to the group of City Policemen. The State Troopers protested, saying, "the transport wagon wasn't there". However, the City policemen prevailed. One of the three Negro policemen handcuffed Bryan. Seeing that I had a broken arm, they handcuffed Dennis and me together.

23. They took us to the Fifth Precinct, where we were lead upstairs. The desk policeman typed up a report charging us with breaking and entering. We were then chained together around a pole, each separately attached to the chain by an individual pair of handcuffs. We were told to sit on the bench and we did so. We were at this time in the room marked "Detectives Room".

24. Shortly thereafter, the Trooper who shot Jimmy came to the door of the Detectives room. The trooper said, "why are you here?" Bryan said, "we were in Joe Rae's". The

Trooper said, "did you see the boy get killed?" Bryan said, "no, but we were in there". The Trooper aimed his gun at us, but lowered it to the floor. There were two other Newark Policemen in the room.

25. The Trooper left. I asked the two City Policemen in the room if they would have stopped him had the Trooper tried to kill us. One of them said, "we couldn't do anything to stop him."

26. Shortly thereafter, two other City Policemen came in. One policeman took a rifle from a case and pointed it at us. Another took a pistol from his holster, cocked the hammer, walked over to the window and opened it, walked back towards us and said, "jump out the window". We were still chained to the floor. We made no move to answer. Both policemen then lowered their weapons and walked out of the room.

27. Shortly thereafter, members of our families came and we were released in their custody. We were told that we would have to come to court facing charges of breaking and entering.

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ROBERT HATCHER

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 1967.

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