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JUL 66

To : ACLU Members in Newark
From : Fred Barbaro, Executive Director
Subject: Police Advisory Board

June? 1965

The recent incident involving the shooting of a Newark citizen by a patrolman has touched off a series of events that has received front page headlines. The purpose of this memo is to outline the role the ACLU played and to enlist your aid in the fight to establish a police advisory board in Newark.

Lester Long was shot and killed on June 12, 1965 after he allegedly slashed a patrolman with a knife while being questioned in a patrol car on a motor vehicle violation. Long fled from the car and Patrolman Martinez, "in chase, stumbled and accidentally fired a shot".

As you know, the ACLU is a firm believer in due process but the police account of this latest incident could not be accepted without question. It was similar to the police explanations in the past which described the deaths of two Newark men. In one case the person being held for interrogation "slipped and struck his head on a steel file cabinet" while in the other case the "fleeting youth was killed when he was hit by a warning shot that ricocheted off a street light". A few eyebrows were raised after these reports, but without witnesses, who were willing to come forward and testify, the police version of these stories could not be successfully challenged.

In the Long shooting, there were ten to fifteen witnesses and the community was angry. CORE responded to a request from people in the neighborhood to speak to their neighbors, take positive action and, hopefully, avoid a riot. The strategy was successful. With the help of CORE workers, Irvin Solondz, ACLU cooperating attorney, took testimony from five eye witnesses on the following day. On Tuesday, June 15, 1965, the first eye witness was questioned by the Essex County Prosecutors and members of the Newark Police Department. Although it was not essential, we thought it was necessary to provide an attorney and Leslie Finch sat in on the 2 1/2 hour session.

From the testimony gathered, it soon became evident that the official police version of the incident had some serious loopholes. The next step was to bring these discrepancies to the attention of the public. A meeting of civil rights leaders, clergy, business

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and professional people was convened on Wednesday, June 16, 1965. At this tense and highly emotional meeting, the ACLU and CORE presented the evidence gathered to the group assembled. A meeting with the Mayor was requested and the group met with the Mayor, Police Director Spina and the City Corporation Counsel, Norman Schiff on the following day. Director Spina readily admitted that the shooting was not accidental and that the wrong information was deliberately given to the press. On the basis of this information, the Mayor suspended Patrolman Martinez, with pay, and agreed to consider the establishment of a police advisory board in Newark.

The ACLU did not take a public stand on the suspension due to the vagueness of the order and the lack of information on civil service requirements which govern in these situations.

CORE cancelled its plans to demonstrate but the police began to picket City Hall. The Mayor reacted by stating, "In their mistaken efforts to help a fellow police officer, they are instead helping to split our community in two and are providing a rallying point for every malcontent, hot-head and bigot in the area." The patrolmen, of course, had the right to picket. However, the pressure was great and the Mayor was searching for a method to relieve the tension.

On Monday, June 21, 1965, an emergency meeting of the Newark Human Rights Commission was held. Telegrams announcing a private meeting were sent to the Commissioners and various police and civil rights organizations one to two hours before the "hearing" was held. Eight of the fifteen Commissioners appeared; neither the patrolman or any of the eye witnesses were present. On the basis of the testimony submitted by those who were not present at the time of the shooting, the Commission concluded, "There is no evidence that the Commission has been able to gather which indicates that Patrolman Martinez's action was other than in the line of duty." This statement implied that a thorough investigation was held. Based on the Commission's report, newspaper headlines exclaimed, "Commission Says No Bias In Shooting", one day before the evidence was presented to the Grand Jury by 1st Assistant Prosecutor, Van Clinton. The ACLU strongly protested the Commission's actions stating, (among other things) that "the only statement that the Commission was justified in making based on the evidence it gathered was that it did not have sufficient evidence to make a statement." Unfortunately, it was not the purpose of the Commission to hold an impartial hearing (a job it is not qualified to perform at this time) and, although the interests of the Mayor were served, the public's were not.

The heart of this issue is not Lester Long's police record or the difficult, unrewarding job of the police in this city. It is not a showdown between the police and CORE, black against white, or Bontempo versus Addonizio. Irresponsible remarks were made on both sides but the civil liberties issue will remain long after the Martinez case is forgotten. The protections enumerated in the Bill of Rights belong to everyone. The existing machinery to review complaints of alleged excessive use of force by members of the police department is not adequate.

The ACLU has maintained that some of the problems involved in police-community relations could be solved by the creation of a Civilian Police Advisory Board. Members of the public would be protected from police abuse and the patrolman would be protected from false charges of police brutality. The Philadelphia experience indicates that of the 108 cases heard last year by the Police Advisory Board, 96 were settled to the satisfaction of the complainant without a hearing. In some of these cases, the complainant received an apology and did not wish to press charges. In other cases, police procedure was explained to the complainants and the citizen walked away without harboring resentment. The Board, in these instances, has acted as a safety valve. Eleven hearings were held; in six there was a decision for the complainant, and in five for the policeman. Due process guarantees prevailed during the hearings, including right to representation by counsel and the right to cross-examine. It should be noted and emphasized that the Board's recommendations are presented to the Police Director who has the sole authority to discipline policemen.

The ACLU does not believe that the police advisory board is a panacea for all of the problems involving police-community relations. But we do believe it is a step in the right direction.

We urge you to discuss the facts in this case with your neighbors and friends. You are invited to call the office or "drop-in" to discuss the issue. Let the Mayor and your councilmen know that you support the establishment of a police advisory board in Newark.