

1 and stated: There are certain areas where doctors can't
2 School. There are certain areas where I can't
3 lead. Any leaderless community is a frustrated
4 community. They have been able to develop a
5 number of young Negroes that I think today may
6 or may not be connected with the Community
7 Union, but are actively making a contribution
8 in the anti-poverty program, in other programs,
9 in politics; but they are active leaders today
10 that are concerned about conditions in Newark.
11 I think this is one of the good values in coming
12 to Newark.

13 MR. LOFTON (presiding): Any further
14 questions? Thank you very much.

15 (Witness excused)

16 Whereupon,

17 HARRY L. WHEELER
18 called as a witness, first duly sworn, testified as follows:

19 EXAMINATION

20 By Mr. Jaffe: The problem, Newark is going to

21 Q I wonder if you could give us your address,
22 occupation and what little bit about your background and
23 your activity in the City of Newark in the last few years.

24 A I reside at 142 Mansbury Avenue. I was born of

1 and reared in Newark. I am a product of the Newark Public
2 School System. I am currently a doctoral candidate at
3 Yeshiva University who is lacking in funds to complete
4 his dissertation. I am a member of the instructional
5 staff of the Newark Public School System. I am a strong
6 advocate of change.

7 There is a scientific truism that says that the
8 only containing thing in the world is change, and I am
9 an advocate of that position. I am a black man who
10 believes in the dignity of black men and the present and
11 future greatness of America.

12 Q Could you give us the benefit of your views as
13 to the things that you think has to be changed in Newark?

14 A The problem in Newark is the attitudinal atmos-
15 phere produced by the callous indifference of the current
16 administration and the business community's penchant for
17 doing business only and business as usual. My basic
18 thesis is that until such time as the political establish-
19 ment and the business and financial community, starting
20 with people like Orville Beall, come to grips with what I
21 think is the solution to the problem, Newark is going to
22 blow up again and when it does, it is going to make Detroit
23 look like a minuet performed solely by females, an
24 eighteenth century minuet.

25 The solution to Newark's problems is in the hands of

1 the white community. The black community cannot solve
2 the problem. The black community is powerless. The power
3 is in the white community, and the symbol of this power is
4 the business-finance community of Newark.

5 In so far as I am concerned, I can never forgive what
6 I characterize as community-governmental irresponsibility
7 by Orville Beall. Right after the riots were over an
8 effort was made to form a committee to rebuild, and
9 Mr. Lofton is currently co-chairman of that committee.

10 Q Are you referring to the Committee for Concern,
11 sir?

12 A I am now referring to the Committee of Concern,
13 but it was not in existence at the time. This was in the
14 formative stages. I insisted that if we didn't have men
15 like Beall serving in the chairmanship and the they get
16 co-chairmanship that it would subsequently be an exercise
17 in futility. I urged that he be made to see and understand
18 this and assume the responsibility. I subsequently got a
19 reply through an intermediary which went something like
20 this: I am prepared to do one, two, three, four, but on
21 this question of police brutality and on this question of
22 some of the political aspects, I can't be bothered with
23 that.

24 My indictment of Mr. Beall is that you can't be
25 selective in problems that produce human upheaval and when

1 you start to, then that borders on irresponsibility.
2 This isn't the first time I have said this, and if
3 Mr. Beall was here I would tell him that for all of your
4 self-righteousness and for all that you represent in
5 terms of symbolizing power in America, to me you are
6 irresponsible and there is no other description for your
7 behavior because if you really are sincere and deeply
8 feel the need to attempt to reconstruct our town and to
9 restore at least the harmonious racial relationship of a
10 decade ago, how dare you have the audacity to talk about
11 limiting your role?

12 What greater symbol of power in America than the
13 presidency of a billion dollar corporation. The President
14 wanted to get involved in trying to build an America and
15 do it immediately, and he called on this man and they set
16 up an insurance bank of \$1,000,000,000 to give you an
17 idea of what some people think about his influence.
18 Mr. Lofton and Mr. Talbot have done a yeoman's job on
19 moving the Committee of Concern. I am more convinced
20 that we could be much further along the road in terms of
21 restoring viability and some kind of respect and dignity
22 for all of the people in the City of Newark if Mr. Beall
23 had been willing to assume the chairmanship and not act
24 in what I consider and characterize a totally irresponsible
25 manner.

1 That is just the beginning of my thesis. May I go

2 on?

3 Q Yes.

4 MR. LOFTON: Please do.

5 THE WITNESS: The reasons that spawned the
6 riots can be characterized and established as
7 basically social ills peculiar to central
8 cities throughout America. There is an attitude
9 on the part of the current administration that
10 we can do anything we want as long as we don't
11 incur the wrath of the business-finance commu-
12 nity and, after all, they are so busy making
13 money they aren't going to worry about what we
14 do to those "niggers."

15 MR. DRISCOLL: Do you really think that
16 is true?

17 THE WITNESS: Not really; I know it is.

18 You are looking at the sort of person who
19 doesn't go around making wild statements, who
20 is a student, who works at this diligently.

21 MR. DRISCOLL: I recognize you as a student,
22 but I ask you again to search your conscience
23 and to tell me whether or not you can charac-
24 terize business leaders in the City of Newark
25 or in any other large city as being too much

1 concerned with making money and not caring
2 about what happens to someone who has a color
3 other than their own.

4 THE WITNESS: Mr. Driscoll, I assume that
5 you are still board chairman of the Warner-
6 Hadnut Pharmaceutical Company.

7 MR. DRISCOLL: Warner-Lambert.

8 THE WITNESS: And you came to that through
9 a gentleman by the name of Elmer Bobst with
10 whom I understand you have been friendly for a
11 long time, and you started as the president
12 after you became Governor. In the normal step-
13 by-step process of the business-finance commu-
14 nity you became chairman of the board, and
15 because you brought expertise and you brought
16 an image, your company has grown by leaps and
17 bounds. You are looked upon as a successful
18 top executive in America, and I am telling you
19 that people like you and Bobst, Roger Blough,
20 the Sun Oil people, Standard Oil --

21 MR. DRISCOLL: You can leave some of those
22 out.

23 THE WITNESS: Let me finish. You have the
24 power. Tomorrow if there was some force that would
25 bring the one hundred largest corporate bodies

1 in America together in a meeting of their re-
2 spective boards of trustees and these gentlemen
3 decide that there would be no longer any form
4 of racial discrimination in any aspect of
5 American life, this would be the first major
6 step toward making the American dream a reality
7 for all Americans. ~~Because basically all the~~
8 ~~black~~ Let me cite an example for you, this is
9 part of my basic thesis. Let's take Birmingham,
10 Alabama, run, owned lock stock and barrel by
11 United States Steel, and Mr. Blough is chairman
12 of the board. If their twelve, fourteen or
13 twenty members, or whatever the board is made
14 up of, met today and they decided that all of
15 the discrimination and all of the social evils
16 and ills are to be eradicated and we are going
17 to begin by setting the example and it starts
18 with this memo to the president, and then have
19 it filter down through the full corporate
20 structure right down to the people who run the
21 works in Birmingham, my friend, give America
22 five years and you wouldn't know her. ~~and you,~~
23 ~~too,~~ So this is why I indict you. You have the
24 power and you persist in all kinds of intellec-
25 tual facades to satisfy what to some degree may

1 be a guilt complex -- I don't know, but one
2 thing I do know, Mr. Driscoll: you have the
3 power in this country. If you acted in concert
4 by your example alone, we would be well on our
5 way to setting up the machinery that would
6 bring the end of rebellion in Newark, Detroit
7 or anywhere else, because basically all the
8 black man is saying is, "I have earned my spurs,
9 but you are still denying me." If you said
10 In a pluralistic society, which in the
11 western world is the dream of all men, and you
12 can't escape it, we can get involved in an
13 exchange and I can predate and support, and I
14 am sure that you can, but when you remove all
15 of this and go to the heart of it, the power
16 rests with you and you have not done it. When
17 I say you, I am talking symbolically now, not
18 you necessarily as an individual.

19 MR. DRISCOLL: That answers my question
20 then. I mean the latter phrase. The day is to
21 give THE WITNESS: It is not for me to pass
22 judgment on you as an individual because you,
23 too, are part of the system. You don't control
24 the system as an individual, and thank God you
25 don't. Thank God that America is still a

1 pluralistic society, even though it has basic
2 shortcomings. Of course, the only bad part of
3 it is I seem to be more victimized by the
4 shortcomings than any other people in America.
5 No longer can you say we haven't made the
6 contribution or we haven't earned our spurs.
7 This has been done, but let me add one other
8 thing to show you how far you have slipped.
9 There was a time in this country if you said
10 Mafia, all of the well-spirited top executives
11 of the business community, the churches and
12 everybody would rise up in arms. Every
13 federal building in Newark that is being built
14 has a Mafia contract involved.

15 MR. DRISCOLL: The electrician?

16 THE WITNESS: No one says anything; no one
17 speaks out. The order of the day is: "Well,
18 let George worry about it."

19 If you look at the history of this movement--

20 MR. GIBBONS: The order of the day is to
21 give people due process before we indict them.

22 THE WITNESS: Just a moment. If you want
23 to apply that and you continue to let them do it,
24 when they run off with the country, like I will
25 be standing on the sidelines looking at you,

1 Baby, because that is what they are going to do
2 if you know anything about the history of it.
3 Let me tell you: you can talk about due process
4 all you want to. They built the federal
5 building down here on Broad Street, the federal
6 building. The electrical contractor for the
7 building, look at his record and background.
8 Then look at every new building going up in
9 the town. ~~Some combination of something or~~
10 ~~other~~ Life magazine has certainly attempted to
11 spur the right-thinking people on. You haven't
12 heard a word. They ran a two-series story on
13 the matter. Nothing has been done. As a
14 matter of fact, most white people are more con-
15 cerned about Negroes fighting for their rights
16 than evil. That is purely an evil, and I merely
17 cite it to point out in terms of my own educa-
18 tional background you have slipped in terms of
19 what is good for this country. ~~and some~~
20 ~~now~~ I forgot the rebellion for the moment. Just
21 look at America and what has happened. This
22 kind of thing is going on all over the country.
23 In the A good friend of the Attorney General's
24 office and the State Attorney General, they get
25 involved in whether or not there ought to be an

1 investigation, you know. I can remember as a
2 youngster that the Newark Evening News in the
3 days of Mr. Wachenfeld in this county, the
4 people would climb upon their white steeds and
5 come roaring down the main streets such as
6 Broad Street to drive out this kind of element.
7 I don't see any of it today.

8 (a) Under your aegis as Governor there was
9 LCE, that crime commission or something or
10 other, and they had some responsibility about
11 this kind of thing. All I am saying to you is
12 that, number one, there are other things
13 happening that certainly represent a tremendous
14 threat to what all of us believe in, because
15 all that the black man is talking about is,
16 you know, "I have earned it. How can you deny
17 me now?"
18 The whole thrust in Newark is a historical
19 pattern of the denial of the black man, and
20 now I am going to tick off some specific inci-
21 dents that produced the human upheaval.
22 One of the things that has been inherent
23 in the philosophy of the white community as it
24 relates to the black community historically has
25 been that if the black community will just go to

1 school and educate yourself because under our
2 system education is the greatest equalizer in
3 the mobility upward, so we believed this.

4 Many of us were fortunate enough by per-
5 sonal efforts and otherwise to get the kind of
6 education to place us in a position to show the
7 rest of the world that the black man, too, is
8 (a) a part of the main stream, and (b) can do
9 the job. We have been having all kinds of
10 problems in education in Newark, and we still
11 do and they have gotten progressively worse,
12 but the mayor of the town, in keeping with the
13 secretary of the board at the time, decided
14 that (a) the secretary would apply for retire-
15 ment, and part of the deal is he would be kept
16 on another year to train the man who is going
17 to come in as a consultant at more money than
18 he was receiving as secretary; and that (b) the
19 man to be appointed was a fellow who had not
20 graduated from high school. As a councilman in
21 Newark he certainly had rendered service.
22 Personally my position was and is that if the
23 people still want him to be councilman, fine,
24 but to offer this man, completely lacking in
25 the kind of educational training and expertise

1 that the job required, and insist that he be
2 appointed as against a black man with all of
3 the credentials, all of the credentials, was
4 the final breaking point in the history in
5 suspicion and distrust on the part of the black
6 community and the black community exploded.

7 What the black community saw was that the
8 hope was now destroyed because if the white
9 community would permit this kind of thing to
10 go on, then the whole philosophy that we had
11 been guided by was vitiated and had gone up in
12 the air, and it produces an added kind of hope-
13 lessness. Out of this state of mind you had
14 the kind of unrest and upheaval that helped to
15 lead to the day of the rebellion. That is one
16 aspect.

17 Number two, like always, the white community
18 decided that for progress, like when they took
19 the land from the Indians for progress, we are
20 going to build a medical-dental school complex
21 and we are going to build it right in the heart
22 of the black community because this is for the
23 black community. No one ever asked the people
24 of the community, the black people, if they
25 wanted it. No one ever conferred with the black

1 community. What they did, and this is a standard
2 standard pattern, they took their Negroes,
3 meaning the administration, and none of them
4 lived in the community where the medical school
5 was going to be built, and they trotted them
6 down to Trenton and had these people testify.
7 Subsequently they called them together, and
8 these people said it is going to be good, but
9 they still haven't heard up until this day from
10 the people who live in the area where they want
11 to build the medical school. Standard proce-
12 dure. They are niggers, you know, and they
13 don't know. As a matter of fact, I don't know
14 whether they even have any right to know.
15 Some of us say wait a minute, you know; ~~there~~
16 there are some guidelines in terms of urban ~~will~~
17 renewal. The city is faced with a confiscatory
18 catastrophe. We are a half step away from
19 bankruptcy. Why Newark? The answer to that
20 was it is going to help the black community and
21 it is going to bring jobs and all that. That
22 is total nonsense, total nonsense, because,
23 first of all, what they are doing to build in
24 their plans for the initial stages doesn't
25 include the Negro community. They are going to

1 be talking about bringing in medical and dental
2 students. The black community says, "How can
3 we qualify for that? We have got the worst
4 public school system in America. How many of
5 our youngsters, on the basis of a deteriorating
6 school system, can really qualify to utilize
7 the facilities that will be flowing from this
8 medical complex?"

9 Secondly, "What do you mean, jobs? If
10 you mean the janitorial force to keep the place
11 clean, we are trying to get away from that for
12 too long."

13 Thirdly, does it say anywhere in the
14 contractual relationship that you are going to
15 take over the city hospital so that the services
16 there for the black people in the community will
17 be improved? No.

18 Let me describe for you what is the most
19 callous, indifferent kind of behavior that is
20 conceivable. They got involved in how many
21 acres of land the medical school wanted. At
22 one time they were talking about two hundred.
23 Then they brought it down to one hundred eighty,
24 then one fifty, and then in June before the
25 blight hearing the city of Newark signed a

1 contract with the board of trustees of the
2 medical college for one hundred thirty-nine and
3 one tenth acres of land. Fully it is one
4 hundred fifty if you include streets. The loss
5 in ratables is more than \$9,000,000, and this
6 is not an income-producing institution, which
7 means that this loss must be born by the other
8 taxpayers in the City of Newark. Mind you, at
9 the very time we are facing bankruptcy, so much
10 so we had to go to the legislature and get
11 enabling legislation to float a bond because we
12 didn't have the borrowing capacity.

13 We have signed the contract for the one
14 hundred thirty-nine and one tenth acres of land.
15 Would you believe it, gentlemen, that there is
16 no contractual relationship between the City of
17 Newark and the New Jersey College of Medicine
18 and Denistry for them taking over the operational
19 aspects of the hospital? We have given up land
20 that represents over \$9,000,000 in ratables.
21 We are going to dislocate and drive out people
22 in large numbers. There is no immediate advantage
23 flowing to the black community from the
24 school per se, and we don't even have the kind
25 of contractual relationship between the board

1 of trustees of the college and the city to
2 force them, if need be, to at least provide
3 efficient, scientific health care for the
4 citizens of the town. Mr. Driscoll, they are
5 not. If you want to talk about irresponsibility,
6 this is the best example of it in terms of gov-
7 ernment that I have seen in a long, long time.
8 I am not only indicting the administration; I
9 am talking about -- Mr. Wachenfeld, are you a
10 member of the board of trustees? For the medical

11 school JUDGE WACHENFELD: No. I am on the county
12 college. sure that Mr. Accorizio's reasons for

13 the THE WITNESS: I was about to indict you.

14 Judge JUDGE WACHENFELD: I expected that.

15 THE WITNESS: You have broad shoulders.
16 The point of the matter is they got labor
17 in. They took Mr. Gruber from the UAW and
18 brought them all in. If the city didn't do it,
19 the board of trustees, if they really are con-
20 cerned about progress and the care and health
21 of the black people of Newark, should have.

22 Well, for this land and for your loss of
23 ratables and to display that we are really
24 concerned and honest and sincere say, "We will
25 enter into a contractual relationship whereby

1 we will provide the know-how, the expertise to
2 offer Newark the kind of health facilities that
3 are second to none in America." But this didn't
4 happen, and, you see, Mr. Driscoll, they are
5 not right. They didn't intend to be in the
6 beginning, and this is another interesting
7 aspect about this.

8 The major forces in this thrust are in-
9 volved for different reasons at varying levels.
10 I am sure Mr. Addonizio's reason for the medical
11 school is not the same as Mr. Beall's, and I am
12 further sure that Mr. Addonizio's reasons for
13 the medical school are not the same as Dick
14 Hughes's.

15 All the black community is saying is when
16 the hell are you going to stop finessing us?
17 When are you going to just come down the highway
18 honest with black people? When, because you
19 have the power, are you going to stop exploit-
20 ing us and then saying it is for our good?

21 That was another important factor. Then
22 in the process of setting up the machinery to
23 produce all of this the law says, by New Jersey
24 statute, for land to be condemned, blighted it
25 has to go through a hearing conducted by the

1 local planning board. So Mr. Danzig, with his
2 stellar staff, prepared their application, and
3 they were the applicant and they appeared
4 before the planning board. By now it is a
5 total fight. So the community appeared with
6 its experts because it is a question of submit-
7 ting data and having people to question the
8 data submitted, etc., in an open hearing.

9 Well, our strategy was, and we made no
10 bones about it, we were going to talk on the
11 application until hell froze over because we
12 knew that the application was faulty. If you
13 look on the front page of the daily papers today
14 there is a front page story about the medical
15 school being held up. You know the reason for
16 it -- faulty application, gentlemen. What they
17 say "tain't so." I can speak firsthand because
18 I did the research, and what we did was, we
19 went to New York and got some more people. We
20 had to do it this way because the order of the
21 day in Newark is, "It is wrong, but, hell, they
22 have got to prove it and they don't have the
23 resources." This is true of the community
24 groups. When a community group gets ready to
25 start out to fight, one of the grave there were

1 shortcomings is a lack of resources, and this
2 was true in our case. We still have problems
3 of resources. However, we have been able to
4 involve the legal defense fund for the legal
5 thrust, and they were there on Wednesday night
6 at the Planning Board meeting. I sent a pre-
7 pared statement to let them know that the
8 opposition was there.

9 But let me take you back to the hearings.
10 At that time the chairman of the Planning Board
11 was a fellow by the name of Al Booker, a Negro.
12 After some exchanges to establish the ground
13 rules, we got the hearing underway. We had
14 lined up so many people that the administration
15 was literally shocked because they said that
16 basically these people don't care. So then they
17 got involved in the chicanery of changing the
18 hearings from evenings to daytime hours, knowing
19 full well that most of the people signed up to
20 speak worked every day. So this then meant
21 that we had to start lining up our professional
22 people because the moment we didn't show up
23 with enough people for the hearing to be con-
24 ducted for that time they were going to call an
25 end to the hearing because they said there were

1 no more people to be heard. *say on a timetable.*

2 *I am.* We did so well that they made a fatal
3 mistake. One day out of a clear blue sky
4 during a daytime hearing the acting chairman,
5 A. Joseph Cocussa, stood up and said, "I am
6 bringing these hearings to an end," and at the
7 very time there was a person speaking as a
8 matter of fact and there were people in the
9 room waiting to be heard and there was a list
10 of about fifty more people who had signed up.
11 The statute says that all people interested in
12 the blight hearing have to be heard. The
13 statute does not give any kind of inherent
14 power to the chairman to exercise discretion.
15 It simply says that all people interested have
16 to be heard. *COLL: I agree on that.*

17 The session was summarily and arbitrarily
18 and capriciously cut off. Right now the Legal
19 Defense Fund is preparing a case that involve
20 that aspect along with the faultiness of the
21 whole relocation plan contained in the appli-
22 cation. *WITNESS: I would simply say that I*

23 *can understand the chairman's position.*
24 MR. LOFTON: Mr. Wheeler, I hate to break
25 in at this point. However, as the chairman of
the Commission, or the acting chairman of the

1 Commission, we are functioning on a timetable.
2 I understand that Mr. Harris was also scheduled
3 to testify, and I understand that he has some
4 other commitments and that we would like to
5 have him heard. charged with discrimination.

6 THE WITNESS: Mr. Chairman, I would only
7 say that I would hope that the Commission would
8 be concerned enough to give me the same kind of
9 equal time as Dominick Spina and that if I
10 must leave now to make way for Mr. Harris that
11 it would be understood that I shall return to
12 complete my presentation.

13 JUDGE WACHENFELD: I think he should have
14 that opportunity.

15 MR. LOFTON: I certainly do, too. Harris

16 take MR. DRISCOLL: I agree on that.

17 MR. LOFTON: I was attempting to comply
18 with the timetable.

19 JUDGE WACHENFELD: In fact I think you are
20 discriminating against him for moving him out
21 for someone else.

22 THE WITNESS: I would simply say that I
23 can understand the whole question of the time-
24 table, and I would simply want to be assured
25 that I would be allowed to come back at a

subsequent date to complete my presentation.

JUDGE WACHENFELD: We would be glad to do that. and I now want to go into the housing

problem. MR. LOFTON: I would be the last one that would like to be charged with discrimination.

THE WITNESS: It is peculiar to the color of your skin.

MR. LOFTON: Not only as to the color of my skin, but peculiar to my nature, but I think what we can do is that we ought to continue to see whether or not we can conclude it and see what can be worked out.

MR. JAFFE: I will see what I can work out with Mr. Harris.

JUDGE WACHENFELD: How long will Harris take?

MR. JAFFE: I will ask him. The Mayor was there and all of a sudden they decided that the Number One priority would be the medical school. Now, understand this psychologically. Here you have these agencies that have promised over a decade, "Don't worry. We are not involved with Negro removal; we are going to build homes. You have that problem of money, but now you are Number One. You are at the top of the

1 THE WITNESS: I had just finished the dis-
2 cussion of some description of the Planning Board
3 Hearings, and I now want to go into the housing
4 problem. You have to understand that there is a
5 prevailing attitude in the black community that
6 urban renewal means Negro removal, and this is
7 rather an accepted fact across the country. To
8 my knowledge for over ten years the Newark Housing
9 Authority has been promising to build decent,
10 moderate-income homes for the black community and,
11 as a matter of fact, slowly but surely the
12 building of moderate-income homes for the black
13 community had worked itself up to the position of
14 Number One priority in terms of Newark's urban
15 renewal program. Lo and behold! Mr. Danzig
16 called a meeting and brought the Newark repre-
17 sentative of the Philadelphia regional office up;
18 the Mayor was there and all of a sudden they
19 decided that the Number One priority would be the
20 medical school. Now, understand this psycholog-
21 ically. Here you have these agencies that have
22 promised over a decade, "Don't worry. We are not
23 involved with Negro removal; we are going to build
24 homes. You have that problem of money, but now
25 you are Number One. You are at the top of the

1 list. We are going to build homes for you." ~~don't~~
2 give. They take the very thing that is going to
3 drive them out of the homes they live in and make
4 that the Number One priority of the urban renewal
5 program in this town. So immediately the hue and
6 cry in the black community was: all they want to
7 do is drive us out of our community, and by
8 virtue of doing this dissipate our potential
9 political strength and perpetuate and maintain the
10 political fiefdom of the current administration.
11 It was characterized as a diabolical scheme, and
12 they had every justification for this position
13 because in the whole dialogue of this problem
14 people said this: "Before you lay one brick as
15 it relates to the medical school, build homes for
16 us as you promised." "Oh, no, the medical school
17 comes first and, after all, it is for your good
18 and welfare and we can relocate you."

19 That is the biggest lie that has ever been
20 projected by public officials in the history of
21 this town, and let me address myself to that as
22 an individual. ~~reminds from the experience.~~

23 One of the figures that they project for
24 housing availability is the so-called one thousand
25 turnover in the public housing setup. They just

1 quote the figure to you, one thousand. They don't
2 give the room complements of the one thousand, if
3 there is one thousand.

4 Secondly, they fail to mention there are at
5 least five people on a waiting list for each one
6 of the one thousand they are talking about.

7 Further, there isn't one thousand because,
8 you see, the public housing program is self-sup-
9 porting. They can't allow one thousand vacancies
10 because if they do, they will go under for that
11 year because the income from the projects sustains
12 the operation.

13 Q Now Mr. Driscoll, if you are running an operation
14 and let's assume that the average rental is \$50
15 and the income from all of these apartments is
16 the sustaining budget for the operation, could you
17 permit one thousand apartments to be vacant and
18 you be solvent?

19 MR. DRISCOLL: Are you asking me a question?

20 THE WITNESS: Yes, I am. You don't have
21 any other income. The operation is solely sus-
22 tained on the rentals from the apartments.

23 MR. DRISCOLL: You have answered the
24 question.

25 THE WITNESS: I would have preferred having

1 you. ~~Warrent's~~ office has been doing some checking.

2 MR. DRISCOLL: I will be glad to answer it.

3 The answer is no. ~~the office has found~~ are the

4 THE WITNESS: Thank you.

5 Let me tell you about some further aspects
6 of the big lie. Mr. Warrence says that in the
7 private sector alone there are over three thousand
8 apartments available. You know what he is talking
9 about? He is talking about the Mount Prospect
10 Avenue section, 555. He is talking about the
11 Colonnade at Clifton Avenue and Broad Street. He
12 is talking about what Padula has built on Elizabeth
13 Street. He is talking about Academy Squires that
14 is controlled by the Kislak people. A very in-
15 teresting thing about all of these units -- there
16 is an economic bar for the people that are going
17 to be uprooted. They don't begin to have the kind
18 of income to make them eligible for the so-called
19 vacancies advanced by Mr. Warrence. Does
20 Mr. Warrence say this in his application, or does
21 he say it publicly? No. What he simply says is
22 that in the private sector there are over three
23 thousand units available. An unmitigated lie.
24 One of the reasons there is a front page
25 story in the daily papers today is because

1 Mr. Weaver's office has been doing some checking,
2 and what they have presented in their application
3 and what Mr. Weaver's office has found are two
4 different versions.

5 Black people know this. They know they are
6 being hoodwinked because they can cite instance
7 after instance after instance where Negroes there
8 have been moved out of their place of abode to
9 make way for urban renewal just do not find their
10 way back. There is a theory going around that
11 Mr. Danzig is the architect of a master plan that
12 says to the white politician, "If you acquiesce
13 and go along with me, I can be responsible for
14 bringing back the numbers of whites that will help
15 to continue you in office and prevent the blacks
16 from taking over our city."

17 You might say, "Is this possible?" The
18 answer is yes, because Mr. Danzig has already made
19 a survey to show that in the history of urban
20 renewal only a small percentage of the Negroes
21 move back into the very area from which they were
22 uprooted.

23 He also doesn't say that the Negro didn't
24 move out of Newark; what he did was double up and
25 create more slums in other sections of the city.

1 One of the reasons for him doing this is because
2 he is in a very limited housing market. There is
3 no such thing as open housing for Negroes in
4 Newark or Essex County. All of it isn't racial.
5 Some of it is economic, and I am the first person
6 to agree with this, but what I am simply saying
7 to you is there aren't too many places in Essex
8 County and Newark that a Negro can live even when
9 he has the money. Let me cite some specific
10 examples. ~~For a Negro to buy a home in Forest Hill he~~
11 ~~has to go through a group of agencies and he has~~
12 ~~to get together all the do-gooders and they have~~
13 ~~to go around and talk to people, and then finally~~
14 ~~if the bank will grant a mortgage he may be able~~
15 ~~to live in the Forest Hill section.~~ the so-called
16 ~~negro~~ This may sound far-fetched, but I can support
17 it with a situation where the gentleman involved
18 with whom you are familiar, Mr. Driscoll -- you
19 know Herb Tate. You have known Herb Tate for a
20 long time. I have some friends who are real
21 ~~MR. DRISCOLL:~~ That's right. A very fine
22 person. ~~full honesty to tell me in terms of the~~
23 going THE WITNESS: Herb Tate lives on Lake Street
24 in Newark. He has been there maybe seven years.

1 You should have heard Tate relate to you the step
2 by step procedure that he had to go through to
3 finally buy a home on Lake Street. You might say,
4 "Well, gee whiz; he has got the home there."
5 That's not the answer. The answer is in the two
6 highways, and you must remember that Herb is very
7 fair in color and he represents, in the jargon of
8 the black left, the kind of Negro that if white
9 people have to deal with them, they would prefer
10 dealing with him. This is not to cast aspersions
11 at Herb because this yardstick was established by
12 white people, not by Herb Tate. But I just wanted
13 to point out to you what the difficulty is.
14 When you get into the Vailsburg area, you
15 run into an entirely different kind of discrim-
16 ination, but it is there. I live in the so-called
17 weequahic area. I live on Hansbury Avenue. The
18 Jewish people, having fled the city and selling
19 homes to Negroes and in many instances at exor-
20 bitant prices, but let me tell you how you might
21 buy a home. I have some friends who are real
22 estate brokers. I said, "Go look at it. I want
23 you in full honesty to tell me in terms of the
24 going market how much should I pay." So my friends
25 went and took a look, and several of them came

1 back. There were two figures involved. One
2 figure was twenty two-five and the other figure
3 was twenty two. I went and looked at the house,
4 talked to the people, and asked the people to give
5 me a price. They started with the price of twenty
6 six-five. When they offered the price, I said,
7 "I am a busy man and I don't want to get involved
8 in a lot of dialogue about the virtues of the house,"
9 et cetera. "I will give you \$20,500 for the house."
10 You would have thought that the roof had caved in.
11 There was all of this self-righteous indignation
12 displayed and "How dare you? Look how beautiful
13 this house is." I said, "Please, I don't have time
14 to discuss the merits. I am simply telling you as
15 a buyer what I will pay. If you don't want to
16 sell the house, I will not be angry."

17 So this went on for six months. To make the
18 story brief, I bought the house for \$20,500. The
19 reason I had to do that was because Newark had
20 just increased its tax rate. Do you know I pay
21 \$1,450 on a house that I paid \$20,500 for on a
22 twenty five by one hundred foot lot? ~~force, exactly~~
23 JUDGE WACHENFELD: What are your taxes?
24 THE WITNESS: One thousand four hundred fifty
25 dollars. I am only citing this as it relates to

1 the housing situation to point out the problem.

2 When white people say to me, "Well, why,
3 Harry? Why did this happen in Newark?" First of
4 all, I get insulted because what you are implying
5 is that there is nothing wrong with the system as
6 it relates to the Negro, and every white person in
7 America with one ounce of intelligence knows
8 better than that. Any conscious, intelligent
9 person would have to agree that certainly the
10 basic problem in America is: when are we going to
11 provide the machinery for the black man to enter
12 the main stream of American life? There is no
13 question about this problem, no question about it
14 at all. But we still have the tenuity to come to
15 Negroes and say, "why?" The housing problem, the
16 chicanery, and the whole urban removal movement
17 is another reason why.

18 Finally excessive police force on the part of
19 the Newark Police Department in the black com-
20 munity.

21 MR. DRISCOLL: You mean excessive police --

22 THE WITNESS: Excessive police force, exactly
23 as I said it, by the Newark Police Department on
24 the black community.

25 MR. LOFTON: You mean the use of force?

1 THE WITNESS: Yes. I was giving the title of
2 it and then got involved in it. This is what it
3 means to me.

4 I think I ought to start by describing Nigger
5 Day. Nigger Day is when young, ambitious white
6 policemen decide that on this day the first group
7 of "niggers we see we are going to beat some heads."
8 That is Nigger Day. Here again this is not far-
9 fetched, and this is not a fantasy. I want you to
10 understand the strength of my convictions in this
11 matter. If you bring Dick Spina here tomorrow and
12 you sit him there and sit me here, I will tell
13 him that there is Nigger Day and at one time "you
14 participated in it if you are not doing so now."
15 This is how prevalent it has been and continues
16 to be. "come on." The fellow with him said, "well
17 Let me just give you a first-hand reference.
18 At one time I lived on Hunterdon Street and just
19 across the street from my house was the Fifth
20 Precinct. For relaxation and trying to keep the
21 weight off of me I play golf occasionally. This
22 morning it was about one thirty in the morning,
23 and I had on a tarten plaid cap. My clubs were
24 in the trunk of my car. I parked my car on Hunterdon
25 Hunterdon Street not too far from the house, got

1 out of my car and locked it and started toward the
2 house when out of police headquarters, or the
3 Fifth Precinct, came about three or four policemen.
4 "Where are you going, Nigger?" They said it to
5 the wrong person. I said, "None of your damned
6 business." "Oh, you're one of these fresh Niggers."
7 I said, "There is nothing fresh about me, but I
8 have enough intelligence to know that you don't
9 have the right to address me in that manner and
10 the moment you lose respect for me, then I am not
11 compelled to give you respect."

12 By this time they were on me and one of them
13 was brandishing the club. He said, "Yes, what
14 does this mean? We are going to teach you a lesson,
15 Nigger." I said, "Well, if you want to be enter-
16 tained, come on." The fellow with him said, "Wait
17 a minute." So for some reason they went back and
18 got three more. By this time, Mr. Driscoll, my
19 reaction was, Number One, I wasn't going to run;
20 Number Two, if I had to die there, well, this was
21 the spot for me to go because I was not going to
22 let them abuse me.

23 They came back and there were exchanges, but
24 the brandishing of the clubs had stopped. Finally
25 I turned and walked away. My inward reaction was

1 if I am followed, then this is the end of the
2 ball game, but they didn't. But that is a des-
3 cription of Nigger Day by the Newark Police
4 Department in the City of Newark.

5 It is common knowledge, "All you black people
6 look alike anyhow. What do you expect from us?"
7 Further to highlight the attitude of the Police
8 Department, there was a woman by the name of
9 Carrie Powell who was vice-principal of one of
10 the local schools, who happened to be in Penn
11 Station while they were beating a man. You have
12 to understand the kind of woman Carrie Powell is--
13 very soft spoken, very dignified and a lady in
14 every sense of the word. They were beating this
15 man while she was standing there. It got so bad
16 she finally said to this officer, "Do you have to
17 beat him like that?" What did she say that for?
18 He abused her orally, and he arrested her.

19 Now, in the black community they know that
20 this wasn't right and they further know that had
21 it been a white woman, it would never have hap-
22 pened. So what I am talking about is the complete
23 lack of respect on the part of the Police Dep-
24 artment for the black community.

25 Police brutality -- a living fact in Newark,

1 and I want to talk to you just a moment about
2 Sats' office and this whole public relations move
3 by Addonizio on the question of police brutality
4 where he said that after all of this problem on
5 the police review board and that kind of thing
6 that any cases in police brutality would be ref-
7 erred to the FBI. He went on to imply in the
8 public relations thrust that by virtue of this
9 that august agency would certainly render an
10 impartial decision and we would know. There is a
11 catch in it. The FBI is purely an investigatory
12 agency and when they finish with their investi-
13 gation, what they normally do is send it on to the
14 Justice Department to determine whether or not the
15 civil rights of the individual have been abridged,
16 and not police brutality.
17 This what happened was Mr. Addonizio used the FBI
18 to hoodwink the black community because once the
19 investigation goes to the Justice Department there
20 is nothing in the federal statutes that says at
21 that time findings must be returned to the local
22 community.
23 Is that right, Oliver? You are an assistant
24 federal DA.
25 Like MR. LOFTON: Irrespective of that, I don't

1 think the result is that the report is confidential.
2 It is not made public anyway.

3 THE WITNESS: I told you in the beginning I
4 was born and reared in Newark, so I have been a
5 first-hand observer from the cradle. If you want
6 to measure the standards of the so-called solid
7 citizen, my family owned property, sent us all to
8 school. I did all of the things that the average
9 American boy will do, made the honor role in
10 elementary school, the National Honor Society and
11 the History Honor Society in high school, played
12 football, went on the track team and got all of the
13 idolatry that is peculiar to that kind of American
14 boy dream, went on to college and came back, and
15 in Newark right up to this very day the attitude
16 of the Newark Police Department is the same, and
17 this attitude starts with the Director.
18 Here again, having lived in Newark all of my
19 life, I enjoyed this kind of advantage. I know the
20 Director and I knew him before he became Director.
21 Their attitude hasn't changed as the result of
22 human upheaval. As a matter of fact, they have been
23 more oppressive, and I would tell him, and the only
24 reason I don't mention anything further is I would
25 like to say in his presence that your design is to

1 make Newark a police state because you don't know
2 any better. You don't have any common grounds for
3 coming together to develop this kind of dialogue
4 that will produce some understanding.

5 This is why I can sit here and tell you that
6 if the attitudinal atmosphere of the City of Newark
7 doesn't change, the people aren't going to wait
8 for the long, hot summer. The rebellion will come
9 along in the long, bitter winter months. It is
10 just below the surface for anyone who has been an
11 observer of all of this. Without there is some
12 dramatic change as it relates to the respect and
13 dignity of the black man in the City of Newark
14 this is what you are going to have.

15 Now the final point of what I wanted to say,
16 I was part of the committee, with Mr. Lofton, that
17 spoke to the Governor in the early periods of the
18 rebellion, and at one time urged de-escalation,
19 and I want to tell you that when de-escalation
20 came, it was not so much because we had been per-
21 suasive but because in my opinion Dick Hughes
22 realized that neither he nor Colonel Kelly really
23 had the control necessary for them to be trying to
24 protect the citizens of Newark because it is a
25 fact that the State Police, the National Guard and

1 the local police indiscriminately went around
2 shooting up Negro establishments because they
3 became incensed by the fact that for the first
4 time in the history of rioting in America the
5 black man decided that the destruction would not
6 be in the black community. So what you had was
7 those charged with the responsibility of protecting
8 becoming the culprits of destruction. It involved
9 each level of the police force and the National
10 Guard, the local police, the State Police.
11 I don't care how many awards the National
12 Conference of Christians and Jews gives Colonel
13 Kelly; I don't care how many awards any other so-
14 called right-thinking agency will bestow upon
15 Mr. Spina or the gentleman who is now in charge of
16 the National Guard, they perpetrated and forced
17 upon the black community the worst kind of in-
18 tolerable behavior for a force charged with safety
19 that has ever happened in this state or city
20 because shibboleth "Soul Brother" which was an
21 identification shibboleth so incensed the law
22 enforcement bodies when they learned what it rep-
23 resented that they went around shooting up Negro
24 establishments indiscriminately, and the most
25 important historical fact as it relates to the end

1 history or riots is the fact that this was the
2 first time that those who participated made sure
3 that the destruction, whatever it happened to be,
4 was not in the black community. The destruction
5 in the black community was brought about by the
6 people charged with the responsibility of pro-
7 tecting all of the citizens.
8 There was one other interesting note. In
9 past years when the social scientists have gathered
10 around a table to discuss the causes of riots, one
11 of the things that they have always looked upon in
12 at least a surface pathetic manner was the fact
13 that in all previous rioting the people who suf-
14 fered most were the black people, the very people
15 involved in the rebellion.
16 What happened in Newark and in other places
17 represents a kind of growing up in the black com-
18 munity, and this growing up, more than anything
19 else, served as the catalyst for the intolerable
20 behavior of the law enforcement bodies that were
21 charged with keeping the peace and some degree of
22 safety for all citizens.
23 It seems to me that if this Commission does
24 nothing else and only on the basis of the facts
25 gathered that you can see no reason why at the end

1 of all these hearings there isn't a public in-
2 dictment of the Newark Police Department, the State
3 Police and the National Guard, because they in
4 fact were the real destructive force.

5 When you consider the fact that a youngster
6 was shot down because he had six cans of beer, you
7 know, lawlessness is lawlessness, and there is the
8 prosecutor's attitude about lawlessness; there is
9 the social scientist's attitude about lawlessness,
10 but basically the one factor that transcends all
11 of that is some human understanding and human com-
12 passion. This was never operative at these three
13 levels of law enforcement. Bodies went about in-
14 discriminately destroying Negro property, abusing
15 and killing Negroes wantonly when you consider the
16 fact that a woman was killed in her apartment.

17 I could go on to enumerate story after story
18 that says one thing: that if someone, those with
19 the power don't come to grips with the attitudes
20 of their own people as it relates to black people,
21 there will be the kind of confrontation that will
22 make the War of the Roses which was a hundred year
23 war, look like mere child's play, and those who
24 advocate there is safety in numerical superiority,
25 and that is the business of 175 million whites

1 against 25 million blacks in America, I hasten to
2 point out that (a) America was born out of a
3 rebellion and that (b) in that confrontation the
4 mother country had all of the numerical superiority
5 that was possible, but psychologists will tell you
6 that you can oppress man so far and then in
7 emotional make-up one man becomes ten. Then if you
8 want to get involved in the numerical game, and if
9 there is any validity to the psychological prin-
10 ciple of the emotional state making one man ten,
11 you begin to talk about 175 million whites versus
12 theoretically 250 million blacks.

13 My position is that I am prepared to work
14 until the last breath of my body is removed to
15 keep us from that point, but, gentlemen, I will
16 tell you that if I fail, then I will be in the
17 front lines of those marching to the confrontation
18 that I have just described.

19 And I have only one other request, Mr. Lofton:
20 that I be allowed to bring some documents that can
21 be reproduced and displayed before this Committee
22 at a subsequent date to further verify some of
23 this oral presentation that I have made, if I can
24 be permitted to do so by the Committee, because I
25 think they ought to have this kind of documentation.

1 called as it is alright for Harry to say it orally, but

2 "show me." What I would like to do is give this

3 Committee the benefit of some of the things that

4 I have compiled to support the presentation that I

5 address and have made this morning and part of the early

6 afternoon.

7 activities you MR. LOFTON: Let me say this: it has been

8 the past practice of the Commission to accept

9 stress in whatever documentation a witness wanted to make

10 Essex Court available to the Commission to the executive dir-

11 to the in-ector of the Commission, and that those documents

12 to resign would become part of the abundance of material

13 groups in that the Commission has been accumulating to sup-

14 plement the oral presentations made by witnesses.

15 So I can say with safety that those documents will

16 be definitely received by the executive director.

17 THE WITNESS: Then I would certainly like to

18 express my profound appreciation to the Commission

19 and to the executive director for permitting me

20 this opportunity to make my presentation. Thank

21 you very much.

22 (Witness excused.)

23 general subject matter and give the benefit of your views

24 whereupon, causes of it and some of the things that you think

25 the Commission can act on. EARL HARRIS

1 called as a witness, sworn, testified as follows:

2 EXAMINATION

3 By Mr. Jaffe:

4 Q Mr. Harris, would you state your full name and
5 address and would you just very briefly give the Commission
6 your background in the City of Newark and the kind of
7 activities you are involved in?

8 A My name is Earl Harris. I reside at 60 Crawford
9 Street in Newark. I was formerly Republican freeholder of
10 Essex County, and prior to that I was administrative aide
11 to the incumbent Mayor, Hugh J. Addonizio, for one year prior
12 to resigning. I have been very active with the various
13 groups in the City of Newark for human rights of all people.

14 Q Mr. Harris, I would like to just put on the
15 record our appreciation for staying through lunch and our
16 apologies that we could not hear you any sooner. We had
17 some scheduling problems, and it just couldn't be avoided.
18 We appreciate your staying and giving us your views.

19 The Commission is very much aware that you have some
20 very strong views about those problems that face Newark
21 generally and some views as to the riot that occurred last
22 summer. I wonder if you could address yourself to that very
23 general subject matter and give us the benefit of your views
24 as to the causes of it and some of the things that you think
25 the Commission can act on and some recommendations you think