

PUBLIC HEARING

THE SPECIAL JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY, AS
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Before

THE SPECIAL JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY

Members of the Committee:

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SENATOR W. DUMONT, JR.

SENATOR W. F. KELLY, JR.

SENATOR J. A. LYNCH

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ASSEMBLYMAN H. M. RINALDI

ASSEMBLYMAN A. S. SMITH

ASSEMBLYMAN P. W. THOMAS

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THE CHAIRMAN: I will call the hearing to order.

The first witness this morning is Mrs. Irene Smith, president of the NAACP.

Mrs. Smith, good morning. Would you raise your hand and we would like to swear you in?

I R E N E S M I T H, Sworn.

THE CHAIRMAN: Do you have a prepared statement that you would like to make?

THE WITNESS: No. I just have a brief profile.

THE CHAIRMAN: Mr. Lombard, we may proceed.

MR. LUMBARD: Mrs. Smith, the Committee has been inquiring into the current system of criminal justice in New Jersey, whether it is effective, fair, how it functions, is it useful in all its respects. It has listened to various State officials, a series of local government officials, and today it starts with a group.

We are asking them if they will

simply tell the Committee what they think or what their organizations think about the system and do you have any specific recommendations for improving or strengthening the system of criminal justice in New Jersey today.

THE WITNESS: Will you give me your definition of criminal justice and see if it coincides with mine?

MR. LUMBARD: Well, perhaps we can get right to the thrust of it. The Committee has had testimony before in the area of civil disorders. I notice you have the President's Commission report. We have had Mr. Lilley, for example, and, of course, it also includes new faces that are processed through the criminal justice system, juveniles, whatever.

THE WITNESS: Because the dictionary's definition of a criminal is a person guilty of a crime, and a crime is an offense punishable by law. Now, the definition of justice is a conformity to moral principles or law, just conduct, merited, rewarded or punishment, the administration of law.

And this brings me to the point of how you separate the inequities of justice when crimes of social justice are committed. How do you separate them and what constitutes criminal justice beneath social justice, and what constitutes the need for social justice? What I mean is that in New Jersey we read about the best set of civil rights laws on the books as any state in the Union for the protection of the black man in the state and yet the laws are not enforced. If I am guilty of leading in a riot, which in most instances were punishable by death, then the realtor who discriminates against me in purchasing a house is equally unjust, but he doesn't come before the bar of justice with the same rub that we have in dealing with crime in the street.

This brings to mind that there is a different interpretation of law and order when it applies to the black community and when it applies to the system and to the white community.

When business discriminates on a day-to-day basis, they are never prosecuted. I mentioned housing discrimination, implying by it in the building trade unions. These social injustices in many instances is the basis for the criminal justice that happens, because you can't expect me to respect the law when you don't respect it either. We have got to have mutual respect for the law, in order to have mutual respect for the law we have to have equal justice under the law. If I am guilty of driving 80 miles an hour on the Turnpike, the State Police are going to arrest me, I am going to be charged and fined and probably given points. But when the farmer is guilty of violation of the migrant law, he is patted on the head and told to go back, you know, and come back again, as in the case last year where 32 people were residing in a bus. Now, you can't break the law much better than that. They were residing in a bus. This is where they had to eat, sleep and everything, in a bus, and this farmer was not fined, he wasn't even fined, and this

is the crux of the matter. This is the human cry from the black community and these are the things that create the atmosphere for civil disorders.

So you can't separate them. You can't deal with crime and justice and criminal justice unless you deal with the total picture. And I feel as though I would like to ask this Committee, are they going to deal with the total picture of social justice as well as criminal justice?

THE CHAIRMAN: I don't think the Committee is in a position to be on the other side of the table, Mrs. Smith, but there is a firm desire in the Committee to explore this whole field, and your testimony in this area is very welcomed.

THE WITNESS: Yes. Because, according to your communication, the Committee has been created by current resolution, and so forth, investigating the administration of criminal justice in New Jersey to determine if it is adequate to meet the needs of the State today, and you will not be able to make that

determination unless you deal with the problems of social injustice in our State.

We have the human cry of police brutality throughout the State on the local level, State Police, and in the instances of the civil disorders in Newark, Plainfield, Englewood, and so forth. The same conditions existed as they exist throughout the country, and this brings us to the forefront the question of a Police Review Board, which will probably bring out the fraternal order of police in a picket line from there, probably in front of your house, Senator Forsythe. It probably might not be able to get down to Burlington County.

SENATOR WALDOR: Burlington is a long way off. I'm glad it's him and not me.

THE WITNESS: I feel there should be some type of review board to handle grievances. If you are in a union, you have a grievance committee and even in a grievance committee you have someone who will listen to your grievances. In most communities you can file a complaint against a policeman and

the policeman is going to a Board of policemen and these policemen are going to listen to their complaint and I feel as though they can't be objective because they as people are all clannish.. Lawyers stick together, Assemblymen stick together, Senators stick together, as happened in Senator Dodd's case, and then in the opposite direction of Congressman Powell's case, when they don't always stick together; that's a different one. But the people have an inborn quality of protecting one of their own, and I feel that a Police Review Board is necessary in many communities. It has to depend on the particular community involved.

In Newark where the complaints are so high, as by the Governor's Riot Committee's report, and also in the Kerner Report here, it proves that some type of grievance committee is necessary.

Police Review Board, it frightens -- it doesn't frighten -- it angers members of the law enforcement agencies because they feel as though no one should tell them how to run

their shop. And then you go into the other area of medical practices. Now, do they use a review board? It's all made up of doctors, isn't it? When a physician commits an act, he is judged by his peers, right? Who judges him? The State has a Board, hasn't it?

SENATOR WALDOR: Well, in many instances, a physician participates in malpractice. The attorneys have been known on many occasions to start suit in the Civil Court to make him pay for his malpractice. So, in effect, the people, whether they be physicians or not, sit in judgment of the act of the doctor, as contrasted to a medical board sitting in judgment.

THE WITNESS: Isn't there some kind of State Board, too?

SENATOR WALDOR: Yes.

THE WITNESS: Who constitutes that?

SENATOR WALDOR: Doctors.

THE WITNESS: Is that the full constitution of the State Board?

SENATOR WALDOR: As I understand it.

THE CHAIRMAN: Yes.

THE WITNESS: So that gives you another avenue of concern. And a very important point that I would like to make is that law and order to the black community means how many black people the policemen can suppress. This is the image of the police in, I would say, the greater part of this State, and I understand -- my husband has called me a professional road runner because, I think, I have been in most every community in the State where we have branches. We have 41 branches in the State here and the attitude -- and I have talked to people -- this is where you get it from -- and their attitude about policemen is very bad. They have no way of communication. They feel as though they are there to suppress them. They do not treat them with respect, yet we are supposed to respect the officers, which is very important.

I believe in law and order.

I respect the police officer. But he has to respect me, too, as an individual and this does not happen in the ghetto community and in the black community. There are seizures and searches that are completely unnecessary that happen in the black community and then there is the organized crime that runs rampant through the black community and feeds on the community and yet it's only the small person, like the man who is writing the numbers, who is arrested and nothing ever happens to the big man who controls the whole thing, which ties in prostitution, narcotics, and so forth, and you think about -- was it Sin City? Where is Sin City?

MR. LUMBARD: There have been several.

THE WITNESS: The last one we had. Was it Arizona? No, not where Goldwater was. There could be no sin. But organized crime is very apparent in major cities.

MR. LUMBARD: Particularly in the ghetto areas?

THE WITNESS: Yes.

MR. LUMBARD: In what respect?

THE WITNESS: In the respect of numbers. Numbers more so that I could see than anything else. Prostitution you will find at the seashore resorts. Now, everything runs rampant in Atlantic City. You know it and I know it and everyone knows it, everything, and it's not frowned upon. It's accepted. It's a way of life in Atlantic City, and I would like to know why something isn't done about the organized crime that operates and controls Atlantic City like I have never seen happen anywhere in this country. Nothing runs like Atlantic City.

SENATOR WALDOR: Mrs. Smith, when you say organized crime runs more rampant in ghetto areas, and you say that, a lot of these things I agree with, but when you say the police pick up the small runners

Smith

and don't touch the big boys, whose fault do you think it is? It's the numbers runner because he didn't tell the police who he is running for. Now, if the police don't have knowledge of who Mr. Big is, the only way they can obtain that information is from the runner. If he doesn't tell them who he is running numbers for, then the police don't have the opportunity or the knowledge of who this individual is.

It seem to me that basically it's unfair that organized crime runs rampant, when every runner who is picked up, and I know this from my own personal knowledge and I think you do, too -- "Who did you work for?" -- "Who did you turn your money in to?" -- and these people don't answer whether they were black or white or yellow or purple or anything else. They don't tell them who they are working for, so how can they get them? You are testifying

here today and each of us has to be aware of our responsibility to the government, as well as the government's responsibility to the people, and if the runner doesn't want to give the information because he is afraid or some reason, then that doesn't mean the police are at fault. It means the runner is at fault for not telling or giving the information so that the proper people can be arrested.

THE WITNESS: In many instances the police know.

SENATOR WALDOR: Well, that is speculation. Anybody can say that. If you have information to that respect, I would like to have it, and I will be the one, I won't be afraid of anybody telling me, and I will turn the information over to the proper authorities.

THE WITNESS: You don't believe that there is any tie-in between organized crime and the Police Department?

SENATOR WALDOR: None that I know of.

If it can be proven to me, I want to be the one to fight it, Mr. Lumbard and Mr. Forsythe and everybody here. You can say there is corruption here and corruption there, but without giving me evidence of proof, it's an irresponsible type of talk because it's speculation and guesswork. You give me the information, or Mr. Lumbard, and I can assure you something will be done about it.

MR. LUMBARD: Can I ask you a question, Mrs. Smith? Would it be fair to conclude from what you have said, one point of your testimony is that you feel the urban poor that live in the ghettos are the principal victims of organized crime?

THE WITNESS: The urban poor are not the principals -- they are, I would say, the principal victims. But the entire community is really the victim.

MR. LUMBARD: In a larger sense?

THE WITNESS: In the larger sense.

MR. LUMBARD: But, in the immediate sense, the urban poor?

THE WITNESS: Definitely. During my visit to Newark, it was brought out to me after the riots that organized crime is very upset over the fact that there had been a riot in Newark, because there was no business as usual. And then you look at the ghetto person who participates as a numbers runner, and so forth and so on. Sometimes we in society have forced him into that avenue because he can't get equal employment and he can't sustain himself any other way. I don't justify it. It's not the right thing to do. But, you know, eating gets to be a part of us and numbers any more is just a part. We would be better off if we legalized the writing of numbers. You would put a lot of people that are involved out of business.

MR. LUMBARD: That's a very large and controversial question, as you know.

THE WITNESS: Yes, it is, it truly is. It's like birth control.

MR. LUMBARD: I am not sure it lends itself to any ready and simple solution.

THE WITNESS: No, they are not simple solutions. This is another point. There is no simple one line solution to any of these problems.

MR. LUMBARD: Does your organization have some specific recommendations for the Committee with respect to the system of administering criminal justice?

THE WITNESS: Yes, I would have. Wait a minute. There are a couple more points.

MR. LUMBARD: I am sorry. You make your points in the order of the presentation and we will get to the recommendations later. We will hold questioning until you finish your statement.

THE WITNESS: Yes. One of the problems facing the law enforcement agencies throughout the State is the fact that discrimination has kept Negroes from participating in State Police. I believe we have seven Negroes in the State Police now. I think that's the correct number. There is some type of recruitment program going

on right now, but it has always been almost impossible for a Negro to get in the State Police of New Jersey and in the rest of the country and they are trying to correct that now. But it also happens on the local level.

Take my county, where Woodbury is the County Seat. They hired their first Negro policeman about four months ago. No one else could pass the test. This was utterly ridiculous, because we had one young man who was a sophomore at Glassboro State College. Now, he had to pass the test to get into Glassboro, and you know how many vacancies there are in the State College. We won't go into that one. That's another ballgame. Yet he couldn't pass a police test in Woodbury what with all his training. If ignorance or intelligence is going to be the criteria for job opportunity in the Police Department, let it be done on an equal basis. Because there are a lot of dumb white policemen. So if they are going to hire dumb white

policemen, let's not discriminate and let's hire some dumb black policemen. That's the only way. This poses a problem. And there is no uniformity of hiring procedures or testing procedures in the State. I think that some work under Civil Service, some work under tests that they write up themselves the night before, and in many instances, work under political appointment. There is too much politics in the Police Departments in a lot of areas, and I think this would be one of the recommendations that I would like to make, that there be some criteria for testing or requirements for police on a local level and a state level, realistic requirements, such as in the Puerto Rican community where they are not going to grow to be five foot eight. So it's not fair. It's not fair for us to keep these standards of five foot eight when you are dealing with people who make it a great percentage of the population. He can't qualify because of his height.

I think that many of the requirements

for police in other areas have to be reevaluated to meet the thrust of today, because they are not recruiting. There is a serious manpower problem in many of the Police Departments throughout the State and that is because the image of the police is not such that anyone wants to be involved. And then you go with the image of the police, but I won't get into that one right now.

The charges of police brutality, again, brings out this fact that these facts have led to the riots. Every riot that we have had throughout the country has been based on charges of police brutality. If there is a police review board in the area of these problems, then you won't have that type of vacuum. They aren't going to do anything about it, anyhow, so I might as well burn the city down. But if I am going to have the chance to come to a hearing where this policeman, where I would have a chance to express my grievances against this policeman to a body that is not all policemen, then I am going to feel that I do have an out, that I am not

living and working in a vacuum.

Now, justice in the courts. The judicial system in the Magistrates and Justices in the State of New Jersey cannot qualify as equal opportunity employees because we don't have enough Negroes participating in the judicial angle of our Courts in the State. In many areas you never hear of Negro judges, when you hear of a Negro Magistrate down in Gloucester County, then we can draw up two flags because we would have something to believe in.

But these are appointments. We know that judges, and so forth, are appointments. But, again, this brings into focus that the entire community, all facets of the community have to be tied into this study that you are making, because one feels on the other. It's an integral part of the entire system.

We are very concerned about the arms race in New Jersey. Now, they are concerned about the arms race in the rest of the world, which is important, but the arms race in New Jersey is critical, very, very critical.

MR. LUMBARD: Would you spell that out?

THE WITNESS: Now we have legislation on purchasing of guns. People are arming themselves, not just the black community, because we don't have as much money, but the white community is arming themselves. This has been visible on television and I would like to call your attention to a report that was given by our Morristown Branch of the NAACP at our State conference on Saturday. A notice went out from the Sheriff's office in Morris County on classes for gunnery, classes for women, white women, and someone made this information known to one of the sisters and they also attended the classes. Now, these classes were being held at the National Guard Armory in Morristown. Now, when you have gunnery classes for women, what would you think? What type of impression does it make on this community, the entire community? Because women don't bear arms. We bear these too (indicating), but, I mean, we don't bear firearms. So why would it be necessary for a community to have gunnery

practice for women?

SENATOR WALDOR: What community was that?

THE WITNESS: Morristown.

MR. LUMBARD: Did the notice just say white women only?

THE WITNESS: No, but the notice went to the white women only. You know, we have lines of communication, you know, we have somebody inside that will get the notice to us.

ASSEMBLYMAN THOMAS: What do you mean by that?

THE WITNESS: That no one in the Negro community was made aware of it until they got a call from the white community.

ASSEMBLYMAN THOMAS: How do you suggest that should have been done?

THE WITNESS: If it was carried on by the Morris County Sheriff's office, it should have been made known through the mass media.

ASSEMBLYMAN THOMAS: This was in the newspapers. This was in the Morristown Record for a week before the class was started.

THE WITNESS: This is not the report that was given to me.

ASSEMBLYMAN THOMAS: I know that. Maybe some of your facts should be straightened out. This class has been conducted for years. Did you know that this has been going on for years?

THE WITNESS: No. They did not bring this point forward.

ASSEMBLYMAN THOMAS: The Sheriff has run these organized classes in connection with the National Rifle Association for years in Morris.

THE WITNESS: For women?

ASSEMBLYMAN THOMAS: For women and men. And it has not been held just as a part of the white community or the Negro community or excluded one group or another.

THE WITNESS: Now, you said that this has been going on for years for women and men?

ASSEMBLYMAN THOMAS: Yes, it has. Not as long for women as it has for men, but women have never been excluded from the class.

THE WITNESS: How long have women been participating in the class?

ASSEMBLYMAN THOMAS: I can't say. But I don't understand your statement that there was not a communication with the black community. Do you know what percentage of black people live in Morris County?

THE WITNESS: What percentage? You have the statistics?

ASSEMBLYMAN THOMAS: Yes.

THE WITNESS: What percentage?

ASSEMBLYMAN THOMAS: Less than two percent.

THE WITNESS: Was it hand-delivered to certain sections of the county to particularly bring home the fact that this class was being made available? I think the fact that this class was made available to women at this particular time showed very poor judgment on the part of the officials of Morris County, because here we are in Morristown and then you have Newark where they have the -- what is it, the Ninth Ward?

SENATOR WALDOR: No.

THE WITNESS: Which ward is it?

SENATOR WALDOR: Central.

THE WITNESS: Not the Central.

SENATOR WALDOR: The one that was
on television?

THE WITNESS: Yes.

SENATOR WALDOR: The North Ward.

THE WITNESS: They have been on
television for gunnery practice for women?

SENATOR WALDOR: For both. That's
not sponsored by any governmental agency.
That's some crackpot evidently in the
North Ward who is trying to start more
trouble than already exists. That's Mr.
Imperial, I think his name is, who is
no more than a kook or crackpot that
is attempting to ferment more trouble
than already exists.

THE WITNESS: So you think, the
conditions in Newark are polarized --
not polarized -- they are in the eyes
of the entire State as far as race
relations are concerned and riot condi-
tions are concerned. So if you say
that these things exist in the North

Ward of Newark, where they are having gunnery practice for specific purposes and they come out and say what they are having it for, then it seems to me that the governing body of another community, even if they have been participating in that type of activity for years, would have second thoughts about having this, unless they explained why. Now, what's the explanation for that?

ASSEMBLYMAN THOMAS: You mean to say they should discontinue this program that they have had in practice before because of this situation in Newark, and do you relate those two together? I mean, if you want to carry this down further, should they stop archery in the high school for girls?

THE WITNESS: No. This is altogether different.

ASSEMBLYMAN THOMAS: No, I don't think it is different. And when the principal Negro community is located in Morristown and the notice is

in the newspapers, I don't see how this program is directed to any particular segment of the community.

THE WITNESS: You said the communication was in the paper. What did the communication state?

ASSEMBLYMAN THOMAS: That these classes were being held.

THE WITNESS: For what purpose?

ASSEMBLYMAN THOMAS: As part of the continual program in the Sheriff's Department that has always run.

THE WITNESS: But you said something about the National Rifle Association.

ASSEMBLYMAN THOMAS: Yes.

THE WITNESS: What is the National Rifle Association?

ASSEMBLYMAN THOMAS: What is the National Rifle Association?

THE WITNESS: Yes.

ASSEMBLYMAN THOMAS: It's a national association of sportsmen that is interested in shooting guns.

Let me ask you a question.
You talk about communication, and I think this is one of our big problems and it's one of the things that I have consistently run into, with whom do you communicate?

THE WITNESS: What's your name?

THE CHAIRMAN: Assemblyman Thomas,
District 10A.

THE WITNESS: Teaneck? Where is Teaneck?

ASSEMBLYMAN THOMAS: 10A, that's Morris County.

THE WITNESS: Oh, District 10A.
But you are from Morristown?

ASSEMBLYMAN THOMAS: No, I am not from Morristown. I am from Morris County. 10A is part of Morris County.

I have found, and this difficulty has been expressed in various media, that a problem exists as to with whom / you communicate when you try to communicate with the black community? Because if you go through the NAACP, the CORE says, "They don't talk to me,"

and when you go to CORE, SNCC says, "CORE doesn't talk for me," and if you go to SNCC, you are told the same thing by the other groups.

THE WITNESS: The question of communication runs both ways.

ASSEMBLYMAN THOMAS: The difficulty in the communication seems to be with trying to communicate with the black community. How do you do that? Who do you go to see?

THE WITNESS: Why can't you use the same means you use when you contact a white community? What means do you use then?

ASSEMBLYMAN THOMAS: Is there some official person or any group of people that is representative of the black community that can go and bring all of their ills, all of their grievances to a discussion table, so that they can be aired and worked on? Because lots of times an agreement is worked out with respect to grievances with one group, and you come back and you

get away from the table and another group of the black community says, "I am not going along with that, they don't represent me." So how do you reach all these people? How do you communicate with them?

THE WITNESS: How do you get the grievances from the white community? Who do you talk to?

ASSEMBLYMAN THOMAS: You are not answering my question.

THE WITNESS: This is the "hang-up," as the kids would say. There should be no white community and black community.

ASSEMBLYMAN THOMAS: Here is an example right here.

THE WITNESS: Listen to what I have to say. There should be no necessity for me to have someone to speak for me from the black community and yet you don't have anyone from the white community. Now, if you are going to deal with

people who have problems, then you deal with the entire community, not the black community and the white community. So you have means of communication with the white community, why can't those same means be used to deal with the black community?

ASSEMBLYMAN THOMAS: All right. You tell me who they are.

THE WITNESS: You have to tell me first what do you do to talk to the folks in Morristown, the white folks?

THE CHAIRMAN: I think we are getting into a debate.

THE WITNESS: This is a very important question.

ASSEMBLYMAN THOMAS: You are the one that raised the question.

MR. LUMBARD: Assemblyman Thomas told you that this business was printed in the newspaper which is available to both white and black communities, which would be the means of disseminating this

information to a total community.

THE WITNESS: That's not what he stated.

MR. LUMBARD: That's exactly what he stated.

THE WITNESS: He stated that, but that's not the second part of what he said. He was talking about grievances coming from a particular community, so if the community has a grievance, how can you communicate with them. Through the City Council and government, and so forth.

THE CHAIRMAN: Mr. Smith, I don't think you can debate the point with the Committee. I think your point has been well made.

THE WITNESS: No, no. I would like to know from Mr. Thomas just how it's done. Maybe it will help us do a better job.

ASSEMBLYMAN THOMAS: I will answer your question and then let's see if you will answer mine. If I have a grievance

or if anybody that I know of has a grievance within a particular political framework, they will go to the people who are in charge of that political framework. So that if you are in a municipality, you go to your municipal governing body and you make your grievance. However, the difficulty we have experienced is when a member of a black community comes to that political entity with a grievance and you try to work out a solution to whatever the problem might be, another segment of the black community says, "They don't represent me, they don't speak for me, and I don't like what was decided and I am going off in my own way."

Now, how do you reach everybody in the black community?

THE WITNESS: I think every person is an individual, and if I have a grievance, I am going to take it to the Mayor and Council of Winona, and if

my Negro neighbor has a grievance, he is going to take his. Negroes are individuals as well as being black. We are still individuals and we have different problems. Some problems affect all of us. But I think the same governing body should be serving all the people.

ASSEMBLYMAN THOMAS: Would you say the means of proper communication between the black community, or the grievances that a Negro might have, is to go to the political entity that happens to be in charge of that particular district?

THE WITNESS: I didn't say that. You know politics and you know, that word --

ASSEMBLYMAN THOMAS: Let's say governmental units, how's that?

THE WITNESS: Definitely. They are responsible for all the people in their particular district.

ASSEMBLYMAN THOMAS: You recommend

to the members of your group?

THE WITNESS: I recommend to the members of my group that they seek, that they take their grievances to the proper parties that are involved. And I am going to go on, Senator.

MR. LUMBARD: Could you now give us the specific recommendations that you have, Mrs. Smith?

THE WITNESS: Oh, before we get away from the arms race, I want this to be part of the record, stockpiling of arms by registration, signed by the Governor and passed by the Legislative Body, is breeding fear in the black community and it's also causing the black community to prepare themselves to meet this arms race. \$300,000 is a lot of money to buy bulletproof vests and so forth, and high powered rifles, as was passed by the Legislative Body and signed by the Governor last week, and the NAACP feels that if this type of money was

used in a positive vein as a deterrent to riots, not riot control, and I feel that you have to emphasize, you have to concentrate to a degree on how to control a civil disorder, this is absolutely imperative. But if you don't do anything to change the conditions that cause civil disorder, then we are just going to be spending \$300,000 on top of \$300,000 on top of it and on top of it, and we are never going to be getting anywhere and this bothered our organization lately and this was one of the issues that we dealt with on Saturday and we have asked our branches to go into their local community and see the type of arms race that is going on there by the all-important agencies.

Now, recommendations, specific recommendations. As I stated before, we cannot separate criminal justice from social justice because when the black man in America, in this state, is a victim of injustices, social and many times criminal, how can you expect him to respect

law and order? There was price fixing by General Electric and they were never brought to the Bar of Justice.

MR. LUMBARD: They were in that instance.

ASSEMBLYMAN THOMAS: That's not a correct statement, Mrs. Smith.

THE WITNESS: They were cracked on the knuckles.

ASSEMBLYMAN THOMAS: Cracked on the knuckles? They were fined.

THE WITNESS: Hundreds of thousands of dollars to General Electric is a crack on the knuckles.

ASSEMBLYMAN THOMAS: There was a suit involving millions of dollars of damages.

THE WITNESS: And how many suits reached the Bar? We won't go into General Electric. I can argue with you all day, because you and I don't see eye to eye on many things, but that's all right. I like it that way. It's the difference between me being a woman and you being a man; we will

put it just like that.

In other instances of social injustices, as with the migrant community last year with the many violations by one particular migrant farmer, which, if he had been fined, would have brought in enough money to do quite a bit of good work in the State. He was never brought to the Bar of Justice.

Building trade unions who violate the laws of the State of New Jersey are never brought to the Bar of Justice. Cease and desist orders come out of the decision on civil rights, as it did with the Newark building, in Newark, Rutgers Building Program in Newark three years ago, against the Ironworkers Union and they were found guilty of discrimination in the building trade unions as far as the ironworkers are concerned, and as of this date there has not been any compliance, three years later. The building is up, the money is gone, but still the Ironworkers Union has never hired a Negro.

Maybe they don't seem like criminal injustices to you, but it's a crime when someone takes the bread out of my mouth, or the bread of my family away from my family, so I cannot make my contribution to society. And this is what happens in ghettos and this is what is going to happen again if these social injustices aren't dealt with, legislatively, if necessary.

Strong language. Because this is public money that's being used and there is a lot of public money coming into the State of New Jersey for Model City programs, in construction, school supplies, the full gamut. This is public money, taxpayers' money, my money, and I don't think my money should be used to discriminate, to further discriminate against my brothers, wherever he may be, and this is the social injustices that we are going to have to deal with. Because a man steals in many instances because he is

hungry.

MR. LUMBARD: Mrs. Smith --

THE WITNESS: I am not finished yet. They told me they are paying you \$50 an hour; is that true? How much are you paying me for testifying?

MR. LUMBARD: You are right about that, but I didn't know they were paying you at all.

THE WITNESS: See, there you go, lack of equality. This man is getting paid \$50 and now they are not going to pay me at all.

MR. LUMBARD: Mrs. Smith, the Committee would like to hear you forever, I am sure, but we do have several other visitors today and I just received a note from one of them that he has other commitments too, and at this time we would like your specific recommendations.

SENATOR WALDOR: She has given them.

MR. LUMBARD: She has more.

THE WITNESS: I would like to ask,

is a study commission necessary?

Because, you know, you people have been studying. This is not just black people, you know, usually they study black people. But out of this study commission what do you expect? I am going to ask you that question. This is part of my recommendations. Is this study commission necessary, or could this money be used in another area?

SENATOR WALDOR: You mean the money being paid Mr. Lumbard?

THE WITNESS: No. The money being paid to have this type of commission do its job.

THE CHAIRMAN: Again, I don't think the Committee is or should be in a position of answering questions. But let me say this: That in order to accomplish the changes to hopefully meet some of the specifics that you are talking about, we need to make not only the Legislature itself more fully aware of these problems, but the public, too. For this Legislature to take these steps we

feel is a necessary technique.

MR. LUMBARD: Perhaps also until the administrative justice is worked fairly and efficiently, and I thought your first sentence started out saying it is not, that the system does not work as fairly for one as the other.

THE WITNESS: That is true. And another recommendation that I would like to deal with is rehabilitation. If a person is charged with a crime and has been sentenced -- I would like to call an example of a youth from down my way who was put in one of the institutions for the youth. He was taken out of school. He received no formal education for the time he was incarcerated. So he comes back to this community and his community is aware that he has been incarcerated, so he has that strike against him. He has an education gap. He has no saleable skills. What does that make him? And in that instance he has been back twice and I feel as though nowhere in the country -- New Jersey is

far behind in many things, but we are like the whole country as far as rehabilitation of prisoners are concerned.

Now, there is one case, a positive point, in the Mercer County Community College. They have courses for the prisoners at Trenton State so that they can receive associate degrees which when they are freed they can continue their education. But this is on such a small basis. It's just like, like it's not scratching the surface, and the things they learn while they are in prison, which in most instances is nothing, it is not useable outside and you are going to have repeats. And the physical conditions of our state prisons nationwide are not good. Because if you are going to try to rehabilitate a person, you can't treat him like an animal and then expect him to come out and react in a positive way to society.

And I would like to end with saying that equal justice under the law has to be fact and not just a statement. It has

to be reality and not just a statement. There has to be equal job opportunities for employment.

The one thing that I forgot to state was the fact that there is no advancement for Negro policemen. Once he gets in, there is no place for him to go. In the City of Camden, where the Negro makes up 30 percent of the police force, they have detectives but none above a Sergeant, and this is borne out by this report about the number of Negroes who are allowed the opportunity to move ahead, and until this is done, then you are not going to have communication with the black community, and the way to solve this entire problem is not to have a black community and a white community. This is the real problem. This is the real problem, the fact that we have to have separate communities that are getting further and further apart, communication, everything, and until the problem of attitudes and a true picture of integrated society becomes a reality or becomes even a thought in the minds of

people as being a reachable solution, then we are going to have to continue to have crime conditions, because social injustice breeds criminals.

MR. LUMBARD: Thank you. One last thought. You referred a moment ago in your closing statement to this report you held up, which is the Kerner Report, right?

THE WITNESS: Yes, the Kerner Report, and I also finally on Saturday got a copy.

THE CHAIRMAN: Senator Waldor has a couple of questions.

SENATOR WALDOR: There were two or three inaccuracies. I might point out that on several occasions I have discussed with Mr. Roy Wilkins many of these problems, many of which are greater than you have mentioned here. But there have been many inaccuracies.

THE WITNESS: What is that?

SENATOR WALDOR: Please don't interrupt me and I won't interrupt you. You referred to the penalty for looting

as being the death penalty. Well, whatever the penalty might be applies to black and white equally. If whites were to engage in looting activities, they are subject to the same penalty.

THE WITNESS: How many whites --

SENATOR WALDOR: Just a minute.

The numbers aren't important. I am telling you that the real estate man that is black or white would be subject to the same type of penalty, irrespective of color. So color has nothing to do with his refusal to sell a house to you in a particular neighborhood, or sell a house to a Jew in a particular neighborhood, or to anyone else.

In the next case, and I want to make this short, whether we believe in police review boards or not, the only recourse is not making a complaint to the local police board, but if a person who is grieved and suffers police brutality, he has an opportunity to go to the Prosecutor's office and he can make a complaint against

the police officer, and this is another avenue that may be pursued in order to get fair treatment, if in fact it is a fair and reasonable allegation of brutality that's made.

One other thing and that's it:
You talk about search and seizure in the black community. Now, I have done a lot of work in this area consistent with the laws of our nation and I want to tell you this: There is no difference, no difference whatsoever, not one iota of difference in the recourse that a black person has, whether their home is illegally entered or their person or body is illegally entered upon and an illegal search and seizure is made. They have the same identical recourse as a white person. As to my knowledge, in having been in the so-called ghetto and having represented people who have lived there over a long period of time, I see absolutely no injustice. Because the law of the land applies equally in

this area and is applied equally in this area to white and black alike. A black person who is a victim of illegal search and seizure has and does need the same recourse that a white person has. So I think that these points really becloud the issue.

I respect your last statement that until we act unitedly in one community and that there is no difference, we won't have true equality. But when you ^{raise} questions about ^{illegal} search and seizure, and frankly and honestly I say this constructively, not by way of pure criticism, you are helping to maintain any difference that may exist in the two communities, because you have named the areas that there is no difference in, that there is no inequality and that there is equal application of law, and I know that from my personal experience. I am not talking from the standpoint of anyone who has told me this. I participated in this and I participated in national discussions with Mr. Wilkins

on things that go far beyond and deeper than those you have discussed, and I would respectfully suggest to you that we ought to confine ourselves to those areas where there are many injustices and where there is not equal application of justice, and things of that nature. But these items I really don't think are valid complaints.

THE CHAIRMAN: Mrs. Smith, can you make about a two-minute response to that?

THE WITNESS: I hate to respond because evidently he didn't hear what I said.

SENATOR WALDOR: I have been sitting here and listening.

THE WITNESS: You said that the search and seizure is applicable to all communities and then you brought in the administration of justice. The administration of justice is not applicable to black and white.

SENATOR WALDOR: In that area, it is.

THE WITNESS: In any area.

SENATOR WALDOR: Well, that isn't so.

THE WITNESS: Then you talk about police brutality, they can go to the Prosecutor and file charges. How many people in the black ghetto have the money to get a lawyer to file charges for police brutality?

SENATOR WALDOR: There is no money involved in making a complaint to the Prosecutor's office. All you have to do is go the Prosecutor's office and make your complaint.

THE CHAIRMAN: Please, Senator.

THE WITNESS: Then what happens?

SENATOR WALDOR: That depends on the facts in the case.

THE CHAIRMAN: Please, let Mrs. Smith make her response.

THE WITNESS: We really haven't really finished with a police brutality case in Gloucester County and to date the young man involved spent \$800 in this case.

SENATOR WALDOR: Well, that's unfair.

THE WITNESS: \$800 proving that a

policeman beat him. And the things that you are talking about, they are pie in the sky to the man in the ghetto. He doesn't know anything about procedure. No one has told him about procedure.

SENATOR WALDOR: Nobody tells anyone, Mrs. Smith. Nobody tells anyone. They have to find out these things.

THE WITNESS: From whom, Senator?

THE CHAIRMAN: Please, we have a time problem and please let Mrs. Smith make her response and we will have to leave.

THE WITNESS: What is the other issue that you said? It was the first one. He talked about three things, three points.

SENATOR WALDOR: Something about looting.

THE CHAIRMAN: The penalty.

THE WITNESS: How many white people have been killed for looting?

SENATOR WALDOR: I don't know how many white people have looted. I mean, there haven't been riots on the same scale

from the white standpoint as from the black standpoint, with or without justification.

THE WITNESS: I am not talking about that.

THE CHAIRMAN: We can't be successful with either side winning the debate here.

THE WITNESS: I am not anxious to win the debate. I am anxious to clarify the point. There have been white people looting, if you read the reports and saw the news media, and what I said was a fact, the black man was killed for looting, and if the white man had been killed for looting, it would have been equally as wrong, and this has been one of the problems.

THE CHAIRMAN: Thank you, Mrs. Smith, thank you very much.

THE WITNESS: Who is your next witness?

MR. LUMBARD: He is right behind you, Dean Boehm.

(Witness excused.)

THE CHAIRMAN: Would you state your name and who you are, please?

MR. BOEHM: I am Werner W. Boehm, Graduate Dean of the School of Social Work Rutgers University.

W E R N E R W. B O E H M, Sworn.

THE CHAIRMAN: Do you have a statement you would like to make?

THE WITNESS: I have an informal statement to make, Mr. Chairman. If I may, let me say first of all that I am speaking from the vantage point of social education and my remarks are in part based on my participation in the Governor's Commission and the Federal--

MR. LUMBARD: Dean, are you, however, speaking as an individual?

THE WITNESS: Yes.

MR. LUMBARD: And not on behalf of the School of Social Work in Rutgers?

THE WITNESS: No. I speak as an individual.

With your permission, Mr. Chairman, I would like to delve ^{into} three areas, the

system of judicial service, the manpower problem with reference to both supply and training, and the issue of research in the university for contributing to the improvement of crime and delinquency programs.

First with reference to the judicial system, one minor point. In keeping with various recommendations, which I am sure are available to you, I like to think of the various services that are available on behalf of delinquency, juvenile or adult, as a system or an interlocking set of programs.

This system would include the police operations, the courts, the correctional institutions and community services.

MR. LUMBARD: Where would you put the prosecutors?

THE WITNESS: In the court system.

With reference to the police, I do not want to dwell on all aspects but

emphasize just the one that is increasingly being paid attention to by all of us and that is the important role the police officer should fulfill in relation to the community. Perhaps a portion of his activity could be conceived as being related to other community agencies, social services, educational services, health services, and also that he perceives himself as a person who sees himself as responsible to the community. I think reference has been made by the previous witness to a problem in that area and I would support that position. I think in many instances the police officer can serve as a referral agent, for instance, to a community agency in the initial stages of delinquency before adjudication of the delinquent is to be made.

MR. LUMBARD: Are you familiar with the Crime Commission, that they feel that the police should begin to move in the area of social services?

THE WITNESS: Yes. Yes, I would concur

with that recommendation. / ^{But} I wouldn't quite call it social services.

MR. LUMBARD: Could you spell that out the way you feel?

THE WITNESS: Well, essentially in the training of the police officer there should be a component of the community service and a component of having them become acquainted with the social services so they can become a referral agent and know how to refer effectively.

MR. LUMBAR: Do you think if we were to enlarge ^{the scope of police service} / we would have to get a new kind of policeman? That was really the thrust of the President's Commission's report.

THE WITNESS: Perhaps we need more policemen and a new kind in the sense that he may think himself, of course, as a new kind of person.

MR. LUMBARD: Well, one of the problems in the nation is the shortage of new policemen and if you had that new role that the President's Commission suggests, of going into the social service area, doesn't

the present, rather relatively desperate, recruiting program increase and the salary problem as well?

THE WITNESS: Of course.

MR. LUMBARD: And, furthermore, that aura of confusion that presently surrounds the role of policeman, which is not as clear as it might even be now?

THE WITNESS: Not necessarily. It depends on how the job is construed and executed. I think the President's Commission made ^{recommendations} among others, that there are perhaps three types of police officers, the traditional police officer, the community agent, who is part of the Police Force, and, I believe, some other type, an assistant to the police officer. Now, undoubtedly, whatever we will do will cost more money and will aggravate the already existing problems of recruitment.

MR. LUMBARD: But, in any event, you feel we should go in that direction?

THE WITNESS: I feel it should be given consideration.

With reference to the courts,
and I only speak upon salient points
here, and my own competency is limited,
and I only operate within my domain of
competency, with
reference to the courts, I would say
wherever possible I would support the
suggestion of the Governor's Committee,
as well as the Federal report, the establishment
of family courts which combines
the current function of the Domestic
Court and Juvenile Court and would probably
deliver a better service.

With reference to the correctional
system, I think obviously a strengthening
of the probation and parole services in
the State ^{will require} more people and better-
trained people. We need a strengthening
of the rehabilitation services available
within the correctional institutions in the
State and in administrative organizations
in the State, such that probation services
be administered on a state-wide basis with
a separation of juvenile probation from
adult probation on a state-wide level.

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We need a stronger emphasis upon the rehabilitative services that can be provided by persons that have been educated for such services, social workers and other. Also with all deliberate speed, we should move in the direction of providing probation services on all levels of offenses, from misdemeanors to felonies. Perhaps a few special words are in order with respect to juvenile delinquency because this is a problem of considerable size. We should do as much as possible to strengthen the position of juvenile delinquency cases prior to adjudication. We should have pre-judicial disposition. Here again the police would have to play a role, the community social services would have to play a role. For those youngsters who are recognized as being in particular danger, we should have

the development special service bureaus.

I think this recommendation is made by the Governor's Commission, the creation of youth bureaus and other treatment personnel.

Related to this is the development of detention homes, a very serious problem not only in the State of New Jersey but in the nation in terms of better adequacy and larger numbers. Currently, typically the detention home is the county jail which is inadequate even for adults, and inappropriate for youngsters. There is no better place for the youngster to become a criminal than the county jail. This is a nice school for criminals and I think we should really, as quickly as possible, move in the direction of providing better facilities.

MR. LUMBARD: Is it your point basically that the State should take over those county institutions and merge them into one improved correctional system or structure?

THE WITNESS: With reference to

detention homes?

MR. LUMBARD: After conviction.

Anybody who is processed after conviction, should this be a state responsibility?

THE WITNESS: Not necessarily.

It should be state and county.

MR. LUMBARD: Well, when you share responsibility or when you divide responsibility, any kind of responsibility, then the responsibility isn't pinpointed, and somebody should do it and he is responsible for it.

THE WITNESS: I think sharing the responsibility would not necessarily mean pinpointing the responsibility. I would argue, for instance, that the family courts that ^{might be} established need not be on a state-wide basis.

MR. LUMBARD: I am not talking about the courts. I am talking about the process that deals with persons after conviction.

THE WITNESS: I would say operate on a state-regional basis.

In other words,

combine counties into regions

and operate

under state supervision. It seems to me that this is a political issue. I might make a recommendation here and I would say to you that to use it as a state-operated programs preferable, but I am enough of a New Jerseyite by now -- I have been here five years -- to know that what may be a logical recommendation will not necessarily be politically sound.

MR. LUMBARD: You just tell the Committee what you as a professional feel is right.

THE WITNESS; I would think that a state-administered program might be instituted. In other words, put the counties together within regions within this State would be my judgment, preferably when it comes to detention homes. When it comes to other facilities I would prefer a state administered program.

MR. LUMBARD: What is the reason for that view?

THE WITNESS: The reason being there are different needs for counties and they can be, in my judgment, more readily accomodated than if this is an entirely state administered program. I think reasonable men may differ, but it's not an important issue.

MR. LUMBARD: Do you have any view as to any reason why a state entity cannot make those same adjustments?

THE WITNESS: There is nothing inherently impossible in a state administered program. I can't quite divorce myself from a political reality or what I conceive it to be.

As to the second large area, I would like to say a few words about manpower in --

MR. LUMBARD: Before you go into the second large area, manpower, I want the record to be clear that that proposal you made as to the three-tiered concept of

policemen, and you are the first witness to do so, and it has been interesting to me, that on page 108 of the President's Crime Commission, and I would like to read into the record the brief description,

"The Commission recommends basic police functions, especially large and medium-sized urban departments, should be divided among three kinds of officers here termed the community service officer, the police officer and the police agent."

And then it goes on to talk about one of the advantages of having such a division. A new addition of responsibility is that it would provide three different levels, of which one would serve the need that Mrs. Smith was talking about. You could have different kinds of people being different kinds of policemen.

THE WITNESS: I believe that point was very well taken, by Mrs. Smith.

MR. LUMBARD: Well, I just wanted to make sure the record was clear on that point.

THE WITNESS: With regard to manpower education, Mr. Chairman, in capsule form, more and better, ^{and better} more people in all areas of rehabilitative manpower. I am limiting myself to rehabilitative areas here. This can be done with perhaps more speed than we have realized could be done. I would suggest, for instance, that these officers, judges, attorneys-general can be helped through continuing educational programs. I am suggesting that Rutgers might be the appropriate place for this through continuing education programs under the ^{joint} auspices of the law school and the school of social work, ^{ers} of the work to be alerted to these functions in the realm of the social service which they might perform.

MR. LUMBARD: Does your school and the law school at Rutgers provide such a program at this point?

THE WITNESS: Not at this point.

MR. LUMBARD: What is preventing you?

THE WITNESS: Money, staff.

MR. LUMBARD: From whom? I'm serious. Have you made an application for such a program?

THE WITNESS: It's a matter of having a staff, a faculty which is equipped, available. I can't begin to tell you my efforts to do this. They have been fairly unsuccessful because of lack of funds.

MR. LUMBARD: We had testimony yesterday from some probation officers that they had the money in their counties but they could not recruit persons to become probation officers.

THE WITNESS: I am not surprised. Partly because, I imagine, the salaries are too low.

MR. LUMBARD: What?

THE WITNESS: Because the salaries are too low.

MR. LUMBARD: No. These two officers were quite clear. They are Chiefs of Somerset and Warren Counties and they had what they

considered an adequate salary level.

THE WITNESS: Do you know how much it is?

MR. LUMBARD: Offhand, I do not. I must say it is quite refreshing that here someone says he thinks he has a high enough salary level and I am sure it made quite an impact on the Committee.

THE WITNESS: In capsule form I am saying more and better, and the more is as important as the better. It is not easy to get them.

SENATOR DUMONT: The range ran between 6500 and 8,000, which is my recollection. Not starting at 8,000, but that was the upper part of the range.

THE WITNESS: Not likely to be enough unless they started on the upper range if they wanted to get an experienced social worker. The current recommendation for the beginning salary for a social worker with a Master's Degree is \$10,500.

SENATOR DUMONT: Well, both Chiefs thought it was enough.

THE WITNESS: Well, they may be

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unrealistic.

ASSEMBLYMAN THOMAS: Isn't the new Livingston College that is being built at Rutgers, going to have a program in the area you are talking about?

THE WITNESS: That will be another undergraduate college which hopes to produce a generally educated person --

ASSEMBLYMAN THOMAS: Well, that's in the field of social science.

THE WITNESS: -- who is alerted to urban problems.

ASSEMBLYMAN THOMAS: Isn't this school going to strive to train the type of people that you feel are needed?

THE WITNESS: No. They are not trying to train a professional at all.

ASSEMBLYMAN THOMAS: What do you mean by professional?

THE WITNESS: A person with a professional education, like a lawyer, a doctor. I am talking about professional education.

ASSEMBLYMAN THOMAS: You are talking about a graduate school, a graduate program.

THE WITNESS: I am talking about a person with professional equipment.

ASSEMBLYMAN THOMAS: What I am trying to find out is what your definition of professional equipment is.

THE WITNESS: A person who has professional knowledge and skill.

ASSEMBLYMAN THOMAS: That would be a person with a graduate degree of some sort.

THE WITNESS: Usually, yes. And that's what probation officers in the better programs are.

ASSEMBLYMAN THOMAS: Well, is the Livingston School or the program or part of this program a start?

THE WITNESS: No. It's a Bachelor's Degree.

ASSEMBLYMAN THOMAS: I realize that. Is it the start of a program that will provide them the necessary students that will go into a graduate

program?

THE WITNESS: Well, yes, if they choose to go in. The Livingston College will simply add a supply of people with a Bachelor's Degree. It does not produce a professional. It will increase the potential pool in the State of New Jersey.

THE CHAIRMAN: This is important. They have to have the pool.

THE WITNESS: Of course, it's very important.

Well, with reference to manpower, continuing education could, I think, perform a fairly important role to work with existing people, existing professionals, judges, et cetera, institutional personnel, and the like. Then, I think, despite the problem of producing more people, the cost of producing more people, I think you can begin, and we have not done as good a job generally, and I include my profession in this very much, in redesigning the job, in redesigning it

in such a way that we avail ourselves of the life experiences of people who are not currently in the scheme of professional activities; in other words, technicians who may require no more than a Bachelor's Degree, sub-professionals who may require no more than a / ^{associate} degree, and in addition / people in the ghetto who are perhaps eager to moving into technical and related ~~issues~~ professional activities with training that can be provided on an informal basis, not necessarily through ~~the~~ degree program. The Department of Community Affairs, for instance, is doing something like that. There is much more, I think, we can do in that respect and I think this would add to the available supply of correctional personnel on various levels, but it requires a redesigning of the job.

At the same time I think it would be desirable to strengthen the current

academic and professional education programs which Rutgers and other institutions in the State of New Jersey are providing, and I am speaking naturally here of appropriations.

Well, these are the major comments I have, Mr. Chairman. If you want me to make one more, I would add one thing, and this is entirely obvious to you, that we can't move forward in the longrun and stay ahead of the game unless we develop more research programs which hopefully bring the university in partnership with existing programs where the services are rendered, county or regional level programs as they exist now. Hence in addition to creating a better administrative structure, in addition to creating a better manpower situation both in quality and quantity, I think we need to develop a stronger research commitment in the direction of the correctional field.

MR. LUMBARD: What kind of things would that research commitment address itself to?

THE WITNESS: Well, I would say we need to have better indices in the state about prevalence and incidence of the various crimes and felonies that are being committed.

MR. LUMBARD: In other words, we should know more about what crime is going on?

THE WITNESS: Yes.

MR. LUMBARD: Are you familiar with the new reporting program that the Attorney-General is putting together?

THE WITNESS: No. It's coming?

MR. LUMBARD: Yes, but it hasn't come yet. What other specific areas are there?

THE WITNESS: Well, identification of family patterns, more knowledge about family patterns, family living and structural patterns which are conducive to or not conducive to the increase in delinquency and to what extent certain measures are

more effective or less effective.

MR. LUMBARD: And we do not now know these things?

THE WITNESS: We have some notions about this, that and the other, but we don't have as good information as we need.

MR. LUMBARD: Now, I would like to ask you several questions, if I may. Underlying your premise that the social work profession has a particular advantage or gift to get to the criminal justice system; is that so?

THE WITNESS: Yes.

MR. LUMBARD: Could you spell out for the Committee what that is?

THE WITNESS: Well, it can be said in general terms that the creation of behavior, whether it be juvenile or adult, usually is related to a host of factors. Some of them reside in our society, are societal and cultural, and some of them reside within the people. They are related to family inter-actions. They may be related to psychological

problems. But they all intertwine. Now, there is no professional today that has a better perspective than the social worker. He looks at the biological and sociological and cultural factors in inter-relationships to know how people's functioning becomes impaired and it is for this reason that this particular professional is particularly suited to work in the field of correction.

MR. LUMBARD: What is the accepted body or doctrine that comes particularly with this?

THE WITNESS: Doctrine? Well, lawyers, medical people, their professional training, their profession as a body in which they operate, in which they address themselves to these questions.

MR. LUMBARD: Now, as you develop this premise for the social worker, could you go a little further?

THE WITNESS: Let me try. It's so hard for me to say^{it} as it would for a lawyer to say what the essence of his

creed is or his doctrine.

MR. LUMBARD: Well, I understand that, but I think you would agree with me there is a great deal of misunderstanding?

THE WITNESS: Yes. Ignorance.

MR. LUMBARD: Well, can you spell that out?

THE WITNESS: I will try. I would say that a social worker operates on the assumption that unless we look at societal forces as well as family and personal forces in conjunction and deal with them in conjunction, we cannot effectively deal with the problems people have in personal relations or in relations to society. I feel a little bit like the heathen who went to see the great sage and asked him to tell him the essence of his creed while he was standing on one foot and he was told --

MR. LUMBARD: There is no sage here.

THE WITNESS: In other words, we are

committed to the proposition that we need to advocate and bring about a change in personal relations and society

MR. LUMBARD: Now, the theory, ^{is} however, that the social worker approaches his subject in individual case work.

THE WITNESS: That's only one area. That's only one method. There is case work, group work, community development, community organization.

MR. LUMBARD: Well, let's take probation and parole.

THE WITNESS: Yes.

MR. LUMBARD: Almost exclusively social workers approach those in terms of individual case work?

THE WITNESS: No. Fifteen years ago.

MR. LUMBARD: Well, spell that out a little further, will you?

THE WITNESS: I am just saying that in a good probation program-- let's take a program in the neighboring city of New York .

Boehm

John Wallace's program includes a probation officer that uses the group method; they have community organizers on the staff who bring about a better linkage between the court services which exist. The health systems and other services that exist in the community. So it's a multi-method approach, actually. Now, we specialize at the present time. The social worker typically specializes either in case work or group work or community organization. Unfortunately, the case worker is best known. There is much more to law than evidence or civil procedure or criminal procedure, so I am trying to give you a more comprehensive picture. You have one method focusing on changes in the community structure and you have another method focusing on relationships and still another focusing on relations in the family.

MR. LUMBARD: Now, in terms of

the demand for persons to fulfill
the criminal needs just in this
state, how many graduates are there
each year out of the various colleges
and universities of New Jersey?

THE WITNESS: In social work?

MR. LUMBARD: Yes.

THE WITNESS: We have only
one graduate school of social work in
this state.

MR. LUMBARD: And how many
graduates?

THE WITNESS: About a hundred
as of now and we hope to escalate it--
that's a bad word--we hope to increase
the number substantially with addi-
tional appropriations.

MR. LUMBARD: But isn't it
clear that at this point the system
needs literally hundreds?

THE WITNESS: The system needs
as many as we have now.
three times / I am personally on
record as being in favor of
on subjects of levels.
of personnel / We need professionally
trained social workers with Masters

Boehm

Degrees and Social Workers with Bachelor's Degrees. We need the additional people with the social degrees that can be produced by the community college and we need in addition people who are volunteers and people that can go into new careers with informal arrangements.

MR. LUMBARD: The real point that I want to make is, isn't the demand far greater than the supply? The supply, in fact, comes nowhere near producing enough, and aren't we marching society into something of a dilemma with such approaches and programs, until the day when we have enough people to man them? When we heard yesterday from the probation officers, we learned they are probing a collapse of the probation system in this state in the field of supervision, so you have the form but not the fact and when you have

Boehm

that gap existing, you are liable to lose public support because the results are so poor.

THE WITNESS: I would agree with you to some extent and disagree with you to some extent.

MR. LUMBARD: Let me finish. It might be magnificent that this could take care of 10% of the problem of society, but what about the other 90%?

THE WITNESS: This is where I don't agree. What you cite as a problem of the social work profession just isn't. I am speaking now as a member of the Board of Directors, of the National Association of Social Workers. This is not our problem. Let me bring the case down to New Jersey. I have calculated on the best evidence possible that for New Jersey we need, roughly, in order to man the ramparts and all the services, going beyond corrections, we would have to have something like sixteen hundred professional Social Workers. We have roughly, a thousand. The state each year loses

Boehm

some of them to other states for a variety of reasons, some of them salaries and other factors, of course too. We would need, in order to do a good job, to add to this number twice as many people who have a B.A Degree, a Bachelor Degree, people who can be moved into the system through in-training and the like, and also through better undergraduate programs which we advocate at Rutgers. Finally we can add to the personnel by instructing through the community college programs, another four thousand personnel. These programs are beginning to come. This requires training programs on the job, and if we had a master plan, and some research, which we don't quite have, we could probably set ourselves to the task of producing enough personnel. And I haven't begun to talk about volunteers. I haven't begun to talk about the new careers for people who are former inmates of

institutions.

MR. LUMBARD: They could be used?

THE WITNESS: Why not? Some experiments have been made in this. So we could probably lick the manpower program. One is to have a plan that gives us an idea of what we need. We need programs, both formal and ^{informal} educational programs, to put the people to the job in the way they can perform. One of the problems is the quality of supervision.

MR. LUMBARD: Now, you say we have this need. You focus some beliefs as to the kind of people. Thirdly, you say a plan should be made to work all this out. Have you prepared such a plan?

THE WITNESS: I can't prepare that plan alone.

MR. LUMBARD: Well, whether alone or not, is such a plan in preparation that you know of?

THE WITNESS: Not to my knowledge. Such a plan would require, again, staff and data.

MR. LUMBARD: I gather you feel that such a plan should be devised?

THE WITNESS: Oh, yes, I would very much advocate that. It's a very expensive proposition, but it's not something that can be done in the absence--

MR. LUMBARD: How long would it take to put together?

THE WITNESS: Well, with the right staff and the data and the information we could gather from the state--I am guessing now and I am hesitant to put this in the record--but I would say with a staff of three people plus a clerical staff you could do a job like this in six months.

May I make a recommendation?

My recommendation essentially is both general and specific. I look for more appropriations to go to the state university as well as the Department of Institutions and Agencies. But also we are talking in specific terms. If such a plan could be made, I would like

to see it perhaps start with creating an institute which would be located at Rutgers and work in conjunction with the appropriate state / ^{agencies} and make a start at least in the direction of, among other things, research and education with reference to this field, crime and delinquency. I can't believe that initially an appropriation of more than a hundred thousand dollars would be required. But if you want to go whole-hog, of course, then let's do the whole thing and let's talk about manpower needs.

SENATOR WALDOR: One question. Does the university give top priority or any priority to your suggestion as far as expanding your facilities through an increase in appropriations?

THE WITNESS: Well, the university treats me as it treats every other dean. I come in with my requests, as do other deans, and I don't always get what I ask for.

SENATOR WALDOR: I understand that. But they do have priorities, as everything else does, and I wonder have they recognized the expansion of your particular department as high on the priority list, or somewhere in the middle, or down at the bottom?

THE WITNESS: Well, I don't think it's down at the bottom; otherwise I would resign. I would say that the university is increasingly alert but not as alert as I would like it to be.

SENATOR WALDOR: Thank you.

THE CHAIRMAN: Any other questions?

(No response.)

THE CHAIRMAN: Thank you very much, dean.

We will take a five minute break.

(Recess taken.)

J O H N J. H E F F E R N A N, sworn.

THE CHAIRMAN: Would you identify yourself, sir?

THE WITNESS: John J. Heffernan,
Detective with the Maplewood Police

Department, President of the New Jersey State Patrolmen's Benevolent Association, Vice President of the International Conference of Police Associations, member of the New Jersey Police Training Commission, member of the Advisory Board of the Sea Girt Academy, and a member of the Anti-Crime Commission recently appointed by the Governor.

THE CHAIRMAN: You have a prepared statement?

THE WITNESS: I have a prepared statement and a few remarks to make after my statement is completed.

THE CHAIRMAN: Would you proceed?

THE WITNESS: In my prepared statement the first caption of the first paragraph is:

"Police First Line of Defense Against Crime

"The steady rise of crime in our state is a problem requiring cooperation on all levels of government. This is a problem that recognizes no

'party label, no economic level, no color line. It affects each and every citizen. Its solution will come only through a combined assault with every weapon at our command.

"First, we must understand that the policeman is our first line of defense. Maintenance of law and order must be the first order of business. Unless law and order prevails, government cannot function, business and the economic life of the community will grind to a halt, individual rights---civil and otherwise---will disappear.

"Accepting this premise, then, that law and order are a must in any civilized society, let us then put first things first.

"Well-trained, well-equipped and, above all, well-supported police are a prime requisite if we are to meet the challenge of crime in a free society. There can be no half-measures here. We cannot settle for second best in public safety.

"Growing Disrespect for Law and Order

"I need not tell you gentlemen there is a growing disrespect for law and order. There was a time when the mere sight of a policeman on patrol was enough to keep the peace. The man in blue was a symbol of authority....of law....of order. Not so today. Assaults on police officers grow more common with each passing day. Some of our judges consider these instances as minor and their sentences reflect that

"mistaken philosophy. And mistaken it is. An attack on a policeman is an attack on society itself. If we accept this as a way of life, then we are accepting our own demise as a civilized people.

"There is a growing incidence of juvenile delinquency that is not only alarming, it is an ominous portent of a dark future unless the trend is reversed. We must reach our young people. They are the leaders of tomorrow, either for good or evil. The time to reach them is now. They must be brought to realize that every citizen has responsibilities as well as rights. They must be taught that crime really does not pay.

"We must have greater support from parents. The permissiveness of many of today's parents is appalling. Instead of supporting police in their efforts to keep young people out of serious trouble, many parents heap abuse on police. Let me illustrate what I mean:-

"Several months ago in a north Jersey community, police chased a speeding car at 3 A.M. As a result of the chase, the car, bearing 6 teenagers, crashed into a tree. Fortunately, there were no serious injuries. Among the passengers were three 16-year-old girls. All had been drinking. When routed out of bed to bring their youngsters home, what was parental reaction? Not what you might think. Here's a direct quote to police: 'Don't you fellows have anything

"better to do than chase young speeders?"

"Is there any wonder there is a growing disrespect for law among our young?"

"There are no Bargains--Especially in Law Enforcement"

"There was a time when all you needed was to give a man a gun, badge and uniform and you had a policeman. But that day is long since past. Today's criminal is sophisticated. He has available to him techniques in crime unheard of a few decades ago. We have new problems such as narcotic addiction among our young people. And most unfortunately, we have a handful of vicious criminals who are turning the legitimate aspirations of our minority groups into excuses for outright armed rebellion, looting, arson and murder.

"It is going to take more than a gun and a badge and a uniform to cope with these circumstances. Law enforcement has got to improve, not only in quantity, but also in quality.

"And here we get to the heart of the problem---how do you get this quantity and quality? Well, you're not going to get either under the present salary scales that prevail in New Jersey. It is bad enough that the police officer is shot at, beaten, reviled and abused. To expect him to accept these conditions for sub-standard pay and poor working conditions is simply stupid. It is no accident that New Jersey municipalities are having difficulty filling police vacancies with qualified men. What can we expect?"

"Attorney General Sills has recommended a minimum salary of \$10,000 a year for an experienced policeman. This is a realistic figure and has the full support of the New Jersey State PBA. We realize that in many cities this will create a financial hardship on the local taxpayer. That being so, then it is obvious that help must come from the State and Federal Governments. And what's wrong with that? Our Federal Government finds money to subsidize everything from peanuts to examining in great detail the love life of the oyster, so why not safety on our streets?

"But It's Going to Take More Than Money---It's Going to Take
Courage

"Every time the question of decent police pay is brought up, many of our municipal officials take refuge behind the lame excuse, 'It's going to cost money, taxes will go up.' Of course it costs money and taxes will go up. You get exactly nothing for nothing. The thing that puzzles me here is that almost without exception, when police go on the ballot for decent pay, the people respond with approval. And they do so in the full knowledge that their vote is going to cost them higher taxes. Why, then, are our elected officials so reluctant to pay police adequate salaries? The people want first-class police departments and they are willing to pay for them. This is a simple fact and it is time our politicians faced up to it.

"Finally

"These are trying days in which we live. Social unrest, struggles by minority groups to achieve a better way of life have placed the policeman squarely in the middle. If he honestly tries to uphold the law, the air is rent with phony cries of police brutality. If he looks the other way, he is guilty of gross neglect of his oath of office.

"Let us remember a few salient facts. The policeman does not make our laws, he only enforces them. The policeman did not create our ghettos. The policeman does not determine the quality of our schools. The policeman does not deny economic advancement to a man because of color. As police officers, we, too, are a minority group, often discriminated against in the form of inadequate pay, poor working conditions, an alarming lack of support from those whose lives and property we are sworn to protect, even at the cost of our lives.

"I said in my opening remarks that the police are society's first line of defense against crime. We have one function and that is the maintenance of law and order. And with or without support, we shall do our job. Law and order will be maintained regardless of where the chips fall. Thank you."

Now, gentlemen, I would like to relate to you our stand not only in the State of New Jersey but throughout

International Police Conferences that we are unequivocally opposed to the establishment of civilian review boards and, to be realistic, let's say that we don't mind being judged by our peers but we are not going to be judged by the average layman who is going to second guess the policeman's action. We have documented facts throughout the country that there have been civilian review boards in cities like Philadelphia, they were ^{not} successful and apparently they disappeared. I have a few facts and figures here to back up some of the remarks I have said as to why we stand against review boards. And let me say this, we do not mind being judged by our peers, because, as you know, we are controlled by our command. As the complaints come, we are certainly disciplined through our command.

Let me relate to you that from the year 1960, and these are statistics in the City of Newark that were refused by the Governor's Blue Ribbon Commission, that were prepared by Inspector Henry of the Newark Police Department. They were refused as evidence.

MR. LUMBARD: Why?

THE WITNESS: This I don't know. He offered the same document I have in front of me to the Blue Ribbon Commission and they saw no use in taking it as evidence. This is part of the testimony of Inspector Henry. He has here prepared, and this is his department, a chart. I will

give you the total amounts from 1960 to 1967 up to and including the riots.

The total amount of arrests in Newark were 154,148. Of this, 67 excessive force complaints, or the alleged cries of brutality comes under that heading, 67 complaints were made and 64 were disposed of and dismissed in the courts and three were found to be true and the men were subject to disciplinary action.

In the meantime, police assaulted and injured, 598; assaulted and not injured, 492, for a total of 1,090.

This means there was one excessive force complaint to every 2,582.1 arrests; police assaulted in every 90.6 arrests; police assaulted 28.5 times more than citizens. So now you can see why we stand not only united throughout the police departments in New Jersey, but throughout the country as being opposed to any established civilian review boards.

Let me go further. I would like to put you gentlemen in the position of the man in blue when you are directed to an area or to a scene where there are disturbances being made and you place a man under arrest and he says, "Sorry, pal, I am not going with you." Does the policeman turn around, or does he say, "You are going with me," and as soon as he places his hand on the man and puts him under arrest he is committing the assault as far as the complaint^{ant}/is

concerned and this is the treatment you get.

Now, our men are trained, and certainly I think you have knowledge of this, to exercise force with enough force as needed to execute an arrest. If the man comes peaceably, there is no reason for any sort of struggle, or what have you. But this isn't the case.

We have had a case just in the past week in Newark-- I'm glad that the judiciary found it proper to find the man guilty--but this is one of the instances that was supposed to have led up to the start of the riots in the City of Newark, and certainly we can document that the conspiracy was there and this led up to the arrest of Mr. Smith and had nothing to do with the planned riots and conspiracy in the City of Newark.

I further would like to criticize the judicial leniency that is being handed out to our habitual violators in this state and throughout the country. Our recent Supreme Court decisions that the policeman has to cope with and has to accept with a smile, although he doesn't like some of the aspects of the decisions, but this he must do with a smile.

In closing I would like to remind the Commission that we in New Jersey are a capital punishment state whether we like it or not. This is under the laws of the State of New Jersey, and, believe me, the Governor appointed a very well-learned Commission a few years ago to study the pros

and cons and heard all the pros and cons from all walks of society for and against capital punishment, and their decision was, in finalization and evaluation, that we are a capital punishment state and we so stand as of this moment. But, in the meantime, there are over twenty-three or twenty-four men waiting for the electric chair in the State of New Jersey. We haven't executed one since 1963. There are only eighteen cells in the death house. I don't know where the other gentlemen are being housed, as far as waiting for the electric chair.

MR. LUMBARD: They moved the death house to a place where they have more cells, all twenty-three of them.

THE WITNESS: Well, I am glad that they got accommodations. But I would say--I want to bring this out to you--I thought maybe some hotel would be apropos near to the death house. But we have one man sitting down there for eleven years and if we haven't got due process of law for that man to go to the electric chair, then I shouldn't be sitting here. This we have to look into. You have people who think it barbaric, and what have you, but regardless of what people might think we are subject to the laws of the State of New Jersey. So this is another crime situation that is playing into the hands of the criminal, the footsy deals we play with the criminal today, and, as I say, the judicial leniency is certainly not in any due respect for

law and order and certainly encourages the criminal to be more on the crime level.

I think that will close my remarks and it certainly has been a pleasure to appear before the Commission. You have heard my testimony and I would be glad to answer any questions accordingly.

MR. LUMBARD: What are the principal problems confronting the recruitment of policemen in New Jersey today?

THE WITNESS: The principal problems are salary scales to induce them to come into the police profession. Plus the facts that are present today with the court decisions and the criminal, more or less, sticking his finger up to his nose to the local policeman, walking in and out of jails on bails, and what have you, this certainly discourages any young man from wanting to be a policeman.

MR. LUMBARD: We also had some testimony before the Committee that the residence requirements surrounding policemen may cause some problems.

THE WITNESS: We passed a law last year, a permissive law, granting the municipalities to appoint a policeman any place in this state and it certainly is not being utilized by most of the municipalities, but the law permits a municipality to appoint a member to their department from any place in the state.

MR. LUMBARD: I understand that, but we still have

people here who say it's a problem.

THE CHAIRMAN: I believe that the law does permit that upon adoption of an ordinance by a municipality. But what is the situation in terms of residency requirements? Is this state law as you understand it, or is it local ordinance?

THE WITNESS: It's local ordinance.

THE CHAIRMAN: That requires that they move in within a given period?

THE WITNESS: Yes.

THE CHAIRMAN: What is your attitude toward that? Should that be expanded? Do you think we need now to require residency within the city?

THE WITNESS: I certainly should think there should be a little expansion of this situation.

THE CHAIRMAN: To permit non-resident members on the police force?

THE WITNESS: Absolutely.

THE CHAIRMAN: Are there any questions from any other members?

SENATOR WALDOR: Yes. Mr. Heffernan, I would like to ask you a couple of questions.

I am in agreement with some of the remarks you made, and you know I fought for ten thousand dollars salary in various areas in New Jersey, but I am in utter disagreement

with some of the other statements that you make.

Would you agree with me, sir, that there are three separate areas basically, one of arrest, one of prosecution and one of trial and sentencing, which directly or indirectly the police are involved but the principal function of the police is in the area of arrest, the prosecution lies with the Prosecutor's Office, and the trial and sentence lies with the judge?

THE WITNESS: Yes.

SENATOR WALDOR: Now, I have continually heard that Supreme Court decisions, which in my judgment protect the individual and society as a whole, have interfered with the execution of operation of good police work, and I fail to see in any way where the policeman is impeded as a result of the Supreme Court decisions when he can be familiarized with them and make his arrest or act according to what the decisions hold. I mean, each person is entitled to be protected by the constitutional laws of this country, whether you like it or I like it, and this is the law and I don't think it stands in the way of arrests as far as the police are concerned, and I would like to know why you consider this second to salaries as the major obstruction to the recruitment of good police officers.

THE WITNESS: Well, I will answer that question with regard to the type of decision, the five-four decision.

There are four judges on the Supreme Court that feel the same way as I do.

SENATOR WALDOR: Well, that doesn't make any difference. It's the law of the land.

THE WITNESS: Well, you have your opinion and I have my opinion.

SENATOR WALDOR: I am not asking you about the law, your opinion of the law. I am asking you why you feel, for example, in search and seizure, that any of the cases that have gone towards confession or statement, or anything of that nature, constituted an obstruction toward the recruitment of police officers. When Mr. Lumbard asked you what the two things were that obstructed the recruitment of police officers, you said salary, which I agree with you one hundred per cent, and you said another factor was leniency. I agree emphatically. I believe the judge can take people individually and impose sentence as he sees fit. But I can't see why this obstructs the recruitment of police officers.

THE WITNESS: The recruit has his mind open to the Supreme Court decision the same as the established and experienced police officer. So as they read court decisions coming out and they are thinking of going into the police profession, they see where the policeman is being frustrated when a criminal can be picked up in the perpetration of a crime and he doesn't have to open his mouth unless he has an

attorney standing along side of him. This is one of the reasons. And I will give you a good case of judicial leniency.

SENATOR WALDOR: You agree with that, that a person who is apprehended for the commission of a crime, you say this impedes recruitment of policemen, a man shouldn't have the advice of counsel?

THE WITNESS: I say that the person caught in the act of a crime cannot be arrested or brought to headquarters without an attorney present.

SENATOR WALDOR: Well, that is not the law.

THE WITNESS: That's the Miranda decision.

SENATOR WALDOR: No, it isn't. But, none the less, we cannot quarrel, Mr. Heffernan, because I don't think that is the law. However, I do believe that the police should be instructed that whatever is the law is the law and the police should act accordingly, because the protection of the individual is the protection of society, and if that were an innocent person who was involved, as contrasted to the one you described who was caught in the process of committing a crime, I know I would not, and I am sure you would not, or the police, want that person hurt or his rights deprived or taken from him.

THE WITNESS: I agree wholeheartedly with you.

SENATOR WALDOR: And that's the purpose of the

Constitution.

THE WITNESS: As I said in my remarks, we are willing to go along with the law of the land. We do it with a smile, although the smile has a little bit of antagonistic attitude behind it, and, as I say, getting back to judicial leniency, when I refer to the judge treating the assault on a police officer as a Disorderly Persons so that they can move the docket into the local courts and dispose of the cases in the local jurisdiction, where this is a high misdemeanor and we had it established by law that an assault on a police officer has been committed and is a high misdemeanor, but it takes so long that orders have been issued by Chiefs of Police to charge this man as a Disorderly Person to dispose of the case.

SENATOR WALDOR: That isn't the judicial system. You know the procedure as well as I do. Let's get the record straight. When a complaint is made of assault upon a policeman, it is then taken to the Municipal Court. There is a preliminary hearing and the Municipal Judge decides whether a prima facie case has been presented. If he believes a prima facie case has been made out, he sends it up to the Grand Jury. At that point the Prosecutor's Office looks it over and if he doesn't think it's serious enough, he refers it back to the Magistrate Court for the purpose of hearing a simple assault under the Disorderly

Persons Act. So I think it's unfair, at least to me it is, to criticize our judicial system because of a mechanical act that takes place between the Prosecutor's Office and the final disposition of a case. The cases are all sent to the Prosecutor's Office and they are the ones that send them back. There is no judge in any upper court of our state who gets these complaints so he can send them back to the Municipal Court. The complaints go to the Prosecutor's Office and then after it is determined that the assault was not severe enough in their opinion, and I am not saying I agree with him, they are the ones that send them back and I think your quarrel should be, if you want this blanket rule where the case should stay up above, then you should see the state organization of prosecutors and tell them what your feelings are. But don't be critical of the judiciary, because they have nothing to do with it.

THE WITNESS: Well, let's go along further on judicial leniency and let me hear your remarks along these lines: Do you agree that habitual violators/^{who}keep committing all kinds of assaults, criminals that commit assault, rapes, robberies, and are given judicial leniency with respect to their sentence?

SENATOR WALDOR: Mr. Heffernan, the Chairman of this Committee--one second and I will be through--the Chairman

of this Committee and every member of the Senate heard my remarks two weeks ago when I opposed mandatory sentencing. I believe, in answer to your question, some judges are lenient and some judges are severe. They are all human beings. I believe each person, I don't care how many times he has violated the law, I believe each person is entitled to be treated as an individual when he comes before the bar of justice to be sentenced, and the judge must and should, it's his responsibility, take into consideration his background, his record of the numerous arrests, his type of crimes, and do with him what in the wisdom and discretion of his court he should do. Neither you as a police officer nor I as a senator should say that all people should be treated the same no matter what crime they committed. It is within the wisdom of the judge to determine what that sentence should be and no one can ever convince me otherwise.

THE WITNESS: I would like to answer that one question in all due respect to him. We can document^{for} you case after case of individuals that are taken before the judge a hundred times. Now, if this guy gets a judicial leniency sentence after a guy has a record this long (indicating) and the guy says, "We will put him on probation," and we can show you specific cases of judicial leniency that was disgraceful on the part of the judge who had evidence

presented and records of the criminal standing before him.

THE CHAIRMAN: I appreciate the debate and it's a very good one, but I think we should be asking questions.

ASSEMBLYMAN THOMAS: With respect to the Civil Review Board, I take it from the line of your argument that there were X-number of arrests--

THE WITNESS: 154,000.

ASSEMBLYMAN THOMAS: --and out of those arrests there arose sixty-seven complaints of police brutality which only resulted in three convictions, shall we say?

THE WITNESS: Yes.

ASSEMBLYMAN THOMAS: Using this analysis or logical process leads you to the conclusion that there shouldn't be a civilian review board?

THE WITNESS: Right.

ASSEMBLYMAN THOMAS: Well, now, shouldn't that just come to the opposite conclusion? Really, there were very, very few complaints and of those few there were very, very few convictions. Why should there be any danger or what should be your complaint with respect to having a civilian review board, particularly with the pressing request for this? Wouldn't the atmosphere in the community be enhanced to such a substantial degree that it would far outweigh any inconvenience that the police community may have or think they are suffering under with a civilian

review board?

THE WITNESS: I completely disagree with you.

ASSEMBLYMAN THOMAS: Why? Show me where I am wrong.

THE WITNESS: I will show you where you are wrong.

To begin with, the establishment of a review board under the statistics presented to you certainly warrants that sixty-seven complaints is a gross exaggeration of excessive force used in the amount of arrests made in that seven-year period.

ASSEMBLYMAN THOMAS: Let's assume that is true.

THE WITNESS: Would you want me to agree to the fact that with the establishment of a review board the policeman can have a complaint made against him? Let's get the record straight. As soon as a review board is established, then you are going to get more and more complaints about bringing in police on every minor technicality and this is going to set a precedent.

ASSEMBLYMAN THOMAS: Didn't you say that the Philadelphia Civilian Review Board went out of business because there weren't enough complaints?

THE WITNESS: No. I said that the Supreme Court ruled that the review board was unconstitutional.

ASSEMBLYMAN THOMAS: Wouldn't that clear the air, if there were such few complaints and hardly any convictions?

THE WITNESS: Do you realize what the establishment of a review board will do to the attitude of the enforcement officer? Do you realize if a man is going to be judged for every action and goes before a group of laymen to decide whether he is right or wrong, that the average policeman will turn his back on the crime being committed?

ASSEMBLYMAN THOMAS: Did they do that in Philadelphia?

THE WITNESS: I don't know. Certainly the records show that the review board is not the theme of today's society.

ASSEMBLYMAN THOMAS: Wouldn't the atmosphere of the community be so greatly enhanced that it would far outweigh all other objection?

THE WITNESS: I would say that the atmosphere would be greatly aroused and there would be a total disregard.

ASSEMBLYMAN THOMAS: Do you have statistics to bear that out?

THE WITNESS: We sure do.

ASSEMBLYMAN THOMAS: Would you submit them to the Commission?

THE WITNESS: Absolutely. We have all the statistics needed on this and that is why we haven't any in the country today.

MR. LUMBARD: Mr. Heffernan, I am not trying to get into the review board one way or the other, but I want to

make sure--perhaps I misunderstood you. You seemed to imply that if a review board were established, the police would ignore their duty to enforce the law and that they would not arrest people.

THE WITNESS: Not ignore. They would be reluctant.

MR. LUMBARD: Well, I think the record should be very clear about that.

THE WITNESS: Reluctance due to the ^{possibility} of the law enforcement officer being charged with getting involved in a struggle with somebody and being charged, apparently to go before the review board for whatever charge the perpetrator might make against him.

MR. LUMBARD: Can we be ^{assured} that review board or not, the police will obey and enforce the law?

THE WITNESS: Absolutely.

MR. LUMBARD: That very much was left to doubt as to what you said.

SENATOR DUMONT: Mr. Heffernan, last week when the Chief Justice of the Supreme Court was here, both Senator McDermott and I asked him about the twenty-three men in the death house, one of whom has been there for eleven years. His response was that nothing could be done because you have unlimited right to habeas corpus. That was his opinion and I might say further I ^{agree} with you on

civilian review boards.

THE CHAIRMAN: Anything further?

(No response.)

THE CHAIRMAN: If not, thank you very much.

(Witness excused.)

J O S E P H L. G O R S K Y, sworn

THE CHAIRMAN: Would you identify yourself for the record, please?

THE WITNESS: Joseph L. Gorsky, Chief of Police, Fanwood.

THE CHAIRMAN: And you are representing--

THE WITNESS: Representing the New Jersey Police Chiefs Association.

THE CHAIRMAN: Do you have a prepared statement?

THE WITNESS: No, no prepared statement.

THE CHAIRMAN: Do you have a statement that you would care to make?

THE WITNESS: Not particularly, no. I would like to talk about some of the things and answer questions from the Honorable Chief Consultant.

MR. LUMBARD: Chief, just for the record, how large is Fanwood?

THE WITNESS: About nine thousand, ninety-five hundred.

MR. LUMBARD: What is your square miles?

THE WITNESS: One and a quarter.

MR. LUMBARD: Do you patrol one and a quarter square miles of territory?

THE WITNESS: Right.

MR. LUMBARD: How many policemen do you have?

THE WITNESS: Sixteen.

MR. LUMBARD: In what ranks?

THE WITNESS: Well, from patrolman, lieutenant--I have no lieutenant now--patrolman, sergeant, captain and myself.

MR. LUMBARD: Do you have a separate communications facility?

THE WITNESS: Yes.

MR. LUMBARD: What county are you in?

THE WITNESS: Fanwood.

MR. LUMBARD: You are in Union County?

THE WITNESS: Yes.

MR. LUMBARD: How many police departments are there in Union County?

THE WITNESS: Twenty-one.

MR. LUMBARD: Do they all have separate communication facilities?

THE WITNESS: Yes.

MR. LUMBARD: Do you think this justifies having one simple consolidation?

THE WITNESS: Well, we have a system that was just installed about a year ago that we use in the event there is a bank holdup or for anything that is really important, such as a serious crime committed and then we can set up our blocks.

MR. LUMBARD: If you have a serious crime in your community who investigates it?

THE WITNESS: I have a detective.

MR. LUMBARD: One detective?

THE WITNESS: Yes.

MR. LUMBARD: What is his case load?

THE WITNESS: Oh, I would say his case load is rather heavy right now because we had a death in the department and, of course--I would say he has ten, fifteen cases.

MR. LUMBARD: That's all?

THE WITNESS: A week.

MR. LUMBARD: A week?

THE WITNESS: A week.

MR. LUMBARD: One detective processes ten, fifteen cases a week?

THE WITNESS: Investigates.

MR. LUMBARD: What kind of investigations would those be?

THE WITNESS: Oh, burglary, assault, dope, all kinds

of investigations, general police investigations.

MR. LUMBARD: What was your clearance rate on burglaries last year in Fanwood?

THE WITNESS: Very good. I would say about eighty-five, eighty-six per cent.

MR. LUMBARD: That's not only good, it's phenomenal. It would be the national high by about fifty per cent.

THE WITNESS: Well, we have a small community and it's easier to control and easier to detect crime in a small community than in a large one.

MR. LUMBARD: You solve about eighty per cent of your burglaries?

THE WITNESS: Yes.

THE CHAIRMAN: Do you have any remarks you want to make to the Committee?

THE WITNESS: No. I will tell you one thing: I heard a lot of discussion here. You know, it's not fair to follow Mr. Heffernan because he stole a lot of my thunder, but I would like to make one remark and that is on the civil review board and I think that every community has a civil review board. That is the Public Safety Committee and the Council/^{which} should be considered a civil review board/^{since} they are elected by the people.

MR. LUMBARD: Chief, the Committee is trying to review, as the telegram to you stated, the whole system of

administering criminal justice. Does the Association of Chiefs of Police of New Jersey have some wisdom or comments as a result of this experience that it wants to bring to the Committee?

THE WITNESS: No, we haven't discussed anything pertaining to that. We have been furthering training in the state which became a reality. Another thing that we are in favor of was the crime reporting which became a reality and I think all of these things have helped, has helped law enforcement generally.

MR. LUMBARD: Well, is the system working perfectly, according to you?

THE WITNESS: Yes, it's working all right. Of course, it will take a little time to iron out some of the wrinkles, but I think it will work out eventually.

MR. LUMBARD: What are some of the wrinkles?

THE WITNESS: I think till now, in other words, handing in the reports and having the individual fill out the right form of report. Some of the fellows are not prone or they haven't had the experience and as a result there are some wrinkles, but I think eventually they will all be worked out.

THE CHAIRMAN: This is limited to the uniform crime report, I gather?

THE WITNESS: Yes.

THE CHAIRMAN: Chief, on this problem of recruitment, do you feel largely the points made by Mr. Heffernan are valid in that salary is the number one problem?

THE WITNESS: Salary seems to be the number one problem.

THE CHAIRMAN: Any questions from the Committee members?

ASSEMBLYMAN RINALDI: Chief, Mr. Heffernan before made the comment and observation that the second most important problem in recruitment is the attitude, and I gather that what he was trying to say was the problem of morale within the police ranks and within the ranks of the respective members of the police force, people that would be recruited, they feel that our judicial decisions today are too lenient and that our whole process of prosecution and law enforcement is too lenient. Do you ascribe to that theory?

THE WITNESS: Yes.

ASSEMBLYMAN RINALDI: Do you feel that if proper salary guides were established and if enough money were offered to a police recruit, that he would accept the job of the policeman and not really ascribe to the second most important argument?

THE WITNESS: I think that the salaries are number one. In fact, I have a little problem right now in getting

recruits and one of the major things is salaries, and especially in a small community our starting salary is a little too low and as a result we have difficulty. We are now placed in a position where one town, where Senator McDermott comes from, did increase their salary and in 1969 it will be ten thousand dollars, and as a result we have difficulty.

SENATOR McDERMOTT: The taxpayers are willing to pay their share.

ASSEMBLYMAN RINALDI: Chief, is anybody leaving your department because of the Supreme Court decisions and because of the judicial decisions that are handed down?

THE WITNESS: Well, I think there is a little bit of frustration as far as the police officers are concerned and generates a little bit of disrespect the way some of the decisions were written.

ASSEMBLYMAN RINALDI: But the police are also aware of the fact that they must enforce the laws the way they are written?

THE WITNESS: This can be argued back and forth, but the laws are there and we are there to enforce them.

MR. LUMBARD: Chief, what is the geographical shape of your community?

THE WITNESS: It's square.

MR. LUMBARD: What is the furthest point from one

point to the other in distance?

THE WITNESS: Oh, I would say about two and a half miles, three miles.

THE CHAIRMAN: Any other questions?

(No response.)

THE CHAIRMAN: Thank you very much, Chief. Thank you for appearing.

We will recess for luncheon. Let's try to make it in forty-five minutes.

(Luncheon recess taken.)

S A M E. A B O F F, sworn.

THE CHAIRMAN: Will you identify yourself for the record, please?

THE WITNESS: My name is Sam E. Aboff, Elizabeth, New Jersey. I am the Assistant Superintendent of Schools in Elizabeth. I am a former member of the State Youth Commission. I am appearing here this afternoon as a private citizen.

THE CHAIRMAN: Do you have a statement you would like to make?

THE WITNESS: I do not have a prepared statement, sir, because I was not certain just what the Committee wanted me to discuss. I was in receipt of your telegram, March 21st, with regard to the New Jersey State Youth Commission. I indicated to you at that time that although I did not

consider myself to be a member of the Commission any further, that I would be happy to appear as a private citizen.

MR. LUMBARD: Well, we will get right to it. The Committee has had testimony before it to the effect that the State of New Jersey has no effective program against juvenile delinquency. Would you agree with that?

THE WITNESS: Partly, sir. I have distributed to this group the third annual report of the State Youth Division and at page 18 of that report is the legislation which created the Youth Division. If I may go back just a little bit, approximately 1954 and 1955 a joint resolution in the Senate and Assembly established a Juvenile Delinquency Study Committee. Now, this committee was in existence in New Jersey for approximately six years until 1961. It was largely this juvenile study commission that pushed for the establishment of the Youth Division within the framework of the state government to be solely concerned with problems of youth, and in 1961 this bill was introduced and was approved and for about a period of six months between its approval and the establishment of the director and the necessary appointment of people there was a lapse of a few months, at which time some of the members of the State Youth Study Council polled three hundred agencies in New Jersey as to what they indicated were their pressing needs

and when these came back these were the areas in which the State Youth Division concentrated its work. These are outlined in the brochure that I described, in which many areas received attention and they did not specifically identify juvenile delinquency as an area by itself. However, I would say the State Youth Commission attacked the problem of juvenile delinquency through the concern of prevention and rehabilitation rather than just the concern of the delinquent as such. It was the feeling that if it gets at the core of many of the problems that contribute to delinquency, that it ^{would} / help solve some of the factors that created the delinquency.

MR. LUMBARD: And you attempted to do that?

THE WITNESS: We attempted to do that, but I would need to say to you quite frankly that at no time was the budget of the State Youth Commission adequate to carry on what would be a minimal of activity.

MR. LUMBARD: What was your staff?

THE WITNESS: The first year of operation we had a budget of thirty thousand dollars and the staff consisted of a director and secretary.

MR. HART: A director.

THE WITNESS: Gentlemen, this is William S. Hart.

MR. LUMBARD: Mr. Hart, were you the director?

MR. HART: Yes, sir.

MR. LUMBARD: Where is this commission today?

THE WITNESS: This was transferred ^{to} /the Department of Community Affairs.

MR. LUMBARD: Under Commissioner Ylvisaker?

THE WITNESS: Not being a member of the commission, I received no notice of any meetings, and when I say this, I say my appointment expired this past year, 1967, and I have not heard whether anyone else was appointed or not. I would point out to you that this commission was budgeted and it's completely inactive, as far as I can find out.

MR. LUMBARD: Mr. Hart, you were the former director of this agency?

MR. HART: Yes, sir.

MR. LUMBARD: What happened?

MR. HART: You mean as far as dissolution is concerned?

MR. LUMBARD: Yes.

MR. HART: I left the Youth Commission and returned to the former position of guidance counselor in the school system. Prior to that we had been moved back to the Department of Community Affairs, and the department at that time had not been completely dissolved. I am not sure that it is now. But I do know there isn't any director and that the only active people, to my knowledge, are two field representatives who I had appointed a few years before

and a clerk-secretary and senior clerk-stenographer. All four of these people are still employed as of last night, because I checked and I am sure there is no director and no effective youth program.

MR. LUMBARD: Under what circumstances did you leave?

MR. HART: That I wanted to go back into education for several reasons. Very frankly, I was going to engage in a political endeavor that I could not do being under the Hatch Act of the Department of Community Affairs, and that was my major reason for leaving.

MR. LUMBARD: What do you understand New Jersey programs today, whatever your involvement, to be with respect to youth and juvenile delinquency?

THE WITNESS: I would first want to make a statement with regard that a criticism on my part is not criticism on the Department of Community Affairs, because I have not met any of the people in the department and I have not consulted with them and my personal feeling is that they have been so deeply involved in the urban cities and model cities program and many of these other factors, that the direct concern for youth affairs as such has perhaps not been as pressing as the need to meet the day-to-day so-called emergencies that come up in other areas, and I think it's been largely because of the fact that other affairs have been more pressing and the problems of youth

as such have been overlooked.

MR. LUMBARD: Perhaps they ought to be seeded.

THE WITNESS: I would also like to state that Dr. Harold Murray, who has been the Chairman of the Commission and is semi-retired and has been giving every part of every working day to the commission, is seriously ill and I think that's the reason for the Youth Commission to have subsided in any of its activities. I am sure if he were at full strength, he would tend to work away as he has done.

MR. LUMBARD: Would you say any one individual, no matter who he is, could satisfactorily run, alone, and maintain a program that would bring to all the youth of New Jersey the programs that they should have?

THE WITNESS: I wonder if in response I could read some material, although it's not a prepared statement. Last April Mr. Hart and I were privileged to attend the National Governors Conference on Juvenile Delinquency, representing the State of New Jersey. At that time there were a few things pointed out to us and I am saying it for the sake of the record that the national figure for juvenile delinquency in 1965 showed that youth, ages eleven to seventeen, represented only 13.2 per cent of the population. At the same time they committed 50 per cent of the larcenies, 28 per cent of the robberies and

20 per cent of the rapes. Youth, eighteen to twenty-four, represented 10 per cent of the population but they are charged with committing 25 per cent of the larcenies, 40 per cent of the robberies and 45 per cent of the forceful rapes. In other words, between the two groups who represented a combined proportion of less than 25 per cent of the population, we have 75 per cent of the larcenies, 68 per cent of the robberies and 65 per cent of the forceful rapes, not speaking of petty thievery and stolen cars. It is attributable to boys five to one as far as girls. It is also peculiar that it is largely an urban centers problem.

MR. LUMBARD: What was that last figure?

THE WITNESS: Five to one.

MR. LUMBARD: It's interesting, because the ratio of males, the adult males and females is eight to one. I wonder what happens.

THE WITNESS: Well, I have my own theory, but I don't think this would be the time for it. A lot of delinquents straighten themselves out; they become family men. They perhaps are able to earn a living and perhaps get some income. There is a decrease in the delinquency factor when they pass the age of twenty-four and twenty-five.

MR. LUMBARD: Particularly sharper in the case of

girls than boys.

THE WITNESS: Right. And what I am trying to say here is that at that conference we had prepared recommendations to send to the Governor and legislature and we never had an opportunity to do this.

Now, if I may have your permission, may I indicate one or two paragraphs of this?

(Reading.)

"Among the three levels of government, state government has the basic responsibility for the prevention, control and treatment of juvenile delinquency. But delinquency is by no means the exclusive concern of the state government. Each citizen and every level of government has an appropriate part to play. These responsibilities are inescapably intertwined. Maximum progress cannot be made without full cooperation between the federal, state, and local governments, and little progress can be made at any level without the informed support of the citizen.

"In fulfilling its responsibilities, the state must rely upon and assist its local communities in providing essential services and facilities. The state should be prepared to provide consultation and technical assistance and, where necessary, to share with local communities the costs of needed programs.

"The National Conference recommends that each

'state establish necessary machinery to co-ordinate the planning, leadership and services of the state agencies which contribute to the prevention, control and treatment of juvenile delinquency.. Responsibility for directing the co-ordinating machinery should be clearly vested in one official or agency, which should have the authority to delegate assignments and responsibilities among the other officials and agencies involved. The state co-ordinating agency should establish close working relationships with other levels of government and with voluntary groups."

I would also point out that by creating such a state agency it would be possible then to apply for aid from the federal government under the Juvenile Delinquency Act of 1967, which has been revised in the present Congressional Session at the present time, and I called Representative Gallagher's office this morning and he has indicated to me that this passed in September of 1967 but has not been brought up in the Senate... In other words, there are large amounts of grants that would be available to the state to help study, analyze and perhaps solve the delinquency problem in this state. In order to take advantage of these grants, we would need to designate an agency in the state to act on behalf of the state in applying for such grants.

MR. LUMBARD: Do you know of any agency in the state government which has been so announced--

THE WITNESS: I do not think that any agency has been so designated.

MR. LUMBARD: Let me finish the question. --that has been designated for that purpose?

THE WITNESS: No, I do not.

MR. HART: May I say something, Mr. Chairman?

In answer to the question asked earlier, and I know Senator Dumont is very familiar with this because he was one of the fellows that first started the Youth Division, that the reason we actually floundered a good six years-- your question was very pointed when you said, "Is it possible for any one man to run?" That was my very cry, because it was a one-man operation. At no time were we ever given a state car. In fact, I banged up two of my cars working with this. All of this work was done without salary and I never collected a thing for using my own car, and the first year when I was director I was the only person on the payroll who was in the appropriations book as a state employee. All of the other employees at that time were paid by me from pool money within departments within the commission budget.

We have contacted many other states who have come into our state, looked at our law and established their own

State Youth Division from our law and gone home and done a good job. It is very interesting to note that the State of Ohio has done a good job. The State of New York, who started simultaneously with us, has seventeen offices with each of their divisional officers making more than I was, and with the state director probably making more than our Governor. So with us laboring around forty thousand dollars, it was like throwing chaff to the wind.

I can tell you some very personal things, things that you wouldn't believe, that happens in the delinquency in the State of New Jersey.

MR. LUMBARD: I wish you would.

MR. HART: I will tell you one dealing with my own family. I had a daughter beaten in the East Orange High School. I took the case to the Juvenile Court in Essex County. The young man was released with a warning not to come near our home. He was taken off probation after four months with good behavior. He repeated the beating in school. He went into my home while I was in the hospital with an operation. He molested my daughter. He had bowel movements and put it all over our furniture. The very cold evenings we had here in January, he cut off the furnace in our home. He just really maligned my wife and children during the time I was in the hospital. This young man just turned sixteen. Why, he had nerve

enough to come to my home just to try to take a shot at my stomach which was sewn up and he was taken down on four counts. He refused to leave my home and the police came and forcibly removed him and took him to Juvenile Court. This young man, through the help of the East Orange Juvenile Bureau, was kept in detention and fifteen, twenty minutes after we went to court he was back on the street. And this is happening to me, the director of the State Youth Division, knowing the judge and all the attendants, and I can just about imagine what is happening other places. I am not blaming the judge, because maybe he had no other alternative in this case because it was brought into him on, what is it, off-the-^{calendar} docket, which I had challenged and could get no answer on it. These things are happening in the State of New Jersey.

I will be a little more pointed than Mr. Aboff. We have no central agency dealing with delinquency in the State of New Jersey. We are sorely missing a single agency in the State of New Jersey.

MR. LUMBARD: No agency, no program.

MR. HART: And we are not going to have one at forty thousand dollars a year.

MR. ABOFF: May I just interject? I don't understand the point of no program for delinquency. I feel that we are not being realistic in facing the future. We are being

told by the census experts that by 1970 more than half of all the people in the United States will be less than twenty-five years of age. It is incongruous that a state with seven million people are making no plans for development programs or general concerns about the welfare of our youth. It is true that you have a State Department of Education, you have various welfare departments, you have agencies and institutions who all in some measure are concerned with the welfare of the youth. However, there is no one agency that co-ordinates or evaluates or in a sense is able to stand away from an operational level and say, "This is good and we need more of it," or, "This is not effective; we need to change this type of operation." In the very early beginning at the State Youth Commission this had been our hope, that we would work co-operatively with all the agencies but that we would not be an operational unit but rather a reporting unit, and in the legislation it is the function of the State Youth Commission to report to the Governor as to their evaluation of youth problems in the state and their recommendations for action. Perhaps before this Committee it may be worthwhile for the legislature to reconsider this in the sense that there is concern for action and that concern may need to be a legislative problem so that this commission could just as well report to the legislature and act as a

function of the legislature since it is a recommending agency rather than an administrative agency.

MR. LUMBARD: One of the things that occurred to me is that perhaps New Jersey could use a state statute requiring all state agencies report to the Governor and legislature by February 1st - I forget whether the date is February 1st or March 1st, but it's to that effect. We have a great deal of difficulty here getting information.

THE WITNESS: I say very honestly, in attending many of the national conferences, New Jersey is far behind many of the other states in the organization of youth bureaus or youth agencies, and it is not consistent with New Jersey's reputation for services to its citizens that this one vital area concerned has been permitted to lag, and I do not feel honestly that it has been permitted to lag purposely. I think that too few people have been truly inspired with the need and it seems to me that any evaluation as to the needs of the State of New Jersey, the needs for an effective youth commission or youth agency or a service bureau of youth affairs would be most effective, and I do not believe, in my personal opinion, that it can effectively work under the cloak of any existing agency but must be a division that reports directly to the legislature or to the Governor.

MR. HART: Furthermore, it must be funded. I will

repeat that: It must be funded. It must be funded so that you can have professional help. In the entire time that I served as director of the State Youth Division, other than Senator Dumont and others who helped to get this thing off the ground, never once did I have any person from the Assembly or Senate come into the youth office. Never once did I have any Mayor or any person who headed any agency come into the State Youth Office. There was no assistance from the Sheriff's Department or educators other than those active on our committee. Many times you would never be heard of and one of the reasons you are not going to be advertised as you should have been is why advertise what you can't deliver? It's impossible for me to go into several counties and say we are going to do things which we can't do. You have to operate within the scope of your budget.

THE WITNESS: I would like to have the opportunity to speak on it and say within the five, six years of existence, with the limitations that I have outlined, I must point out that the Youth Division did do quite a number of things to its credit. We urged the counties of New Jersey to establish youth guidance councils. We have asked several cities who have responded and set up youth committees within their municipal framework. We were very active in the formation of the "Battered Child" in legislation,

and Dr. Murray carried the ball in that personally, ^{from} /advising many legislators to getting it approved.

I would have to pay tribute to perhaps one hundred individuals who have been on our sub-committees and I think the State of New Jersey could not have purchased the services of our subdivision committees for one hundred thousand dollars a year. We had Dr. Young and Dr. Zindwer in charge of Nutrition. We had Dr. Davis, Multi-Problems of Education, and Dr. Sachs of Venereal Disease Control and so on. So we have had effective work take place. But, unfortunately, it has not been effective enough to meet the problems of the day.

MR. HART: And I might mention here that the Youth Division is not a juvenile delinquency agency, although it is one of our problems.

MR. LUMBARD: I / ^{presume} you would like to deal with that first.

MR. HART: However, it was one of the problems of the State Youth Division. We had many, many problems.

THE WITNESS: There are existing programs that are offered as a substitute for the State Youth Division but cannot substitute for the division because many of the programs are dealing with underprivileged youths, whereas the State Youth Division dealt with all youths and youths who are not underprivileged can become underprivileged

without some direction.

MR. LUMBARD: They can also become delinquent.

MR. HART: Right. That is a problem we face daily, that is, that people believe it's a juvenile delinquency division and it isn't, although it is a major problem.

ASSEMBLYMAN RINALDI: Do I understand you to say that the Department of Community Affairs now, in effect, has taken over the activities of this commission?

MR. HART: Yes. The division of youth, as well as the division of the aged was placed temporarily in the Department of State when they came into being because we did not have a Department of Community Affairs where they should have been placed. They were placed so they could be set aside from all of the other agencies, Health and Employment, and so forth, who did not want these under any one agency. So they put them in the Department of State until the Department of Community Affairs came into being. Both of these agencies were moved into the Department of Community Affairs, where they belong. But what Mr. Aboff is saying, if I may go over his words, is that at the present time the division is not functioning as such.

ASSEMBLYMAN RINALDI: What do you mean by that?

MR. HART: Because there is no director. There must be three or four commissioners whose terms have not

expired.

ASSEMBLYMAN RINALDI: Are you saying that the Department of Community Affairs is not addressing itself to this problem of youth and juvenile delinquency and all the other problems it embraces?

MR. HART: No, I am not saying that.

ASSEMBLYMAN RINALDI: But there is no specific division?

MR. HART: There is no specific director of the division with a staff working from a youth division office.

ASSEMBLYMAN RINALDI: Which you would certainly recommend?

MR. HART: Oh, yes.

THE WITNESS: In fact, I would go further than that. I would visualize that the State of New Jersey would need at least five field offices concerned with the problems of youth. Newark would need one alone and Jersey City would need one, and one for Northern New Jersey and Central Jersey and South Jersey. These offices would be the clearing house for youth activities. They would be referral agencies for communities and counties that are facing problems of youth in which there seems to be no direct path and knowledge. New York City has perhaps twenty-four or thirty of such field offices.

ASSEMBLYMAN RINALDI: One of the things that bothers me--I am an Assemblyman from Essex County and it has been expressed that one of the problems we have in Essex County, in the so-called ghetto area, is the hard-core youth group that we cannot reach somehow and the negro community themselves has trouble reaching, and presumably one of the functions of this youth commission is to try to reach into these groups that are almost isolated in many instances even from the leaders of their own community. Is that a fair statement, Mr. Hart?

MR. HART: Yes, it is. But it's happening all over the country and falling on deaf ears. One of the reasons, in my opinion--you may have heard this before--one of the main reasons that the black community is not being reached is that everyone is trying to reach the black community through the wrong people. You don't reach the black community of youth through the minister as you used to. You have to reach them through the peer group, their like group, as they did in Washington, D. C., like Rufus Mayberry, known as "Catfish" Mayberry, who they were afraid of because he was an ex-convict. This type of thing is not expanded upon. We continually refuse to meet the black community. I am one myself and I know. We try to reach the black community through the politicians, and all the people send in political hacks into a black community and that's what's

happening, it's being hacked.

SENATOR DUMONT: Mr. Hart, when did you say you left as director?

MR. HART: My last day as director was November 10th, as I remember. I began in Elizabeth the following Monday, November 13th.

SENATOR DUMONT: Did the Department of Community Affairs in its first year when you were still director, request a budget / allotment for a director for that department?

MR. HART: For the Department of Community Affairs?

SENATOR DUMONT: Under the Department of Community Affairs.

MR. HART: That's this year.

THE WITNESS: On page 515 you have an operation budget for the Division of Youth group.

MR. HART: Let me re-emphasize this is the first year of budgeting under the Department of Community Affairs, Senator.

SENATOR DUMONT: You mean the present fiscal year, the first year?

MR. HART: Yes, sir.

SENATOR DUMONT: And what was the budget for the present fiscal year?

THE WITNESS: Approximately forty thousand dollars.

MR. HART: Almost forty-six thousand. The present fiscal was forty-five thousand nine hundred thirty-four and the request is forty-six thousand seven hundred forty-eight.

SENATOR DUMONT: And that's the largest amount of money actually this division ever got in all these years?

MR. HART: Yes. I believe that that request was cut from my request of one hundred seventy thousand dollars down to forty-six thousand this year. I believe the figure is one hundred seventy-six thousand.

THE CHAIRMAN: Apparently this year coming up the department's request was only forty-six thousand seven hundred forty-eight. You did not have anything to do with that?

MR. HART: That's the department's request. I am talking about as division director.

THE CHAIRMAN: Your request as the division director was one hundred seventy thousand. By the time it got through the department it was down to forty-six. That did get through the budget director to forty-six thousand.

SENATOR DUMONT: I want to commend you both for having done a fine job under adverse circumstances, and as a member of the Commission I hope we can do something about reviving this program.

MR. HART: I do also, because I think that probably our greatest asset, as I have said many times, is our youth,

and without a Division for youth, and reading about all the other things, air pollution, beach erosion, at the same time we are polluting and eroding our youth, because without any funds we are missing the boat.

THE CHAIRMAN: Summing up then, we are not doing our job with the youth at the state level.

MR. HART: I would say that's the truth.

THE CHAIRMAN: Thank you very much, both of you.

(Witness excused.)

R A L P H G. J A M E S, sworn

THE CHAIRMAN: Will you identify yourself for the record?

THE WITNESS: My name is Ralph G. James, and I am Mayor of the City of Wildwood, New Jersey, and also President of the New Jersey State League of Municipalities.

THE CHAIRMAN: Do you have a statement that you would like to read into the record?

THE WITNESS: I surely would, Your Honor.

THE CHAIRMAN: Proceed.

THE WITNESS: "My name is Ralph G. James. I am Mayor of the City of Wildwood, and President of the New Jersey State League of Municipalities which represent 549 of the State's 567 municipalities. This statement will cover some general aspects of the problem, for we assume that the Study Committee will hear from urban Mayors and Police

"Chiefs for their specific ideas and recommendations. The League is concerned with all aspects of local government administration, and we are particularly concerned at this time with the crisis in law enforcement. We are faced with a situation in New Jersey, as well as throughout the Nation, where the most basic of public services, namely the protection of the safety of body and property of that public, is falling short of its goal.

"Our governmental agencies, and I include police agencies in that broad category, are failing in the battle against lawlessness. Hearings such as these will document a long list of contributing causes, which will include social, economic and judicial factors, as well as the day to day aspects of police work. The League, as an organization, is not addressing itself to these factors, since they will undoubtedly be explored in depth by other witnesses appearing here today.

"Therefore, on behalf of the League, I will limit my recommendations to three inter-related areas of the law enforcement picture. They are (1) raising the qualifications of police officers; (2) altering the legal structure to aid municipalities in recruiting, promoting and retaining high caliber police officers, and (3) finding fiscal resources to pay adequate salaries necessary to attract and retain properly trained professional police officers.

"With regard to the first aspect - Police qualifications - the point need not be belabored that the police officer's job is a most critical and demanding one, and one that can not be filled by just any high school graduate or drop-out recruited off the street. The policeman is exposed daily to the distraught, the frightened and the injured, in addition to the criminal element. It has been said that he must be a combination of lawyer, psychiatrist and social worker, as well as an enforcement official, and that is not far from the truth. Today's policeman requires training in psychology, constitutional rights, public speaking, social science, history and many other fields in addition to a thorough competency in the traditional police skills of search and seizure, evidence, self-defense, use of firearms, and so forth.

"The League has long advocated the training of policemen in basic enforcement techniques, and was instrumental in bringing about the passage of the mandatory police training legislation which requires successful completion of a basic training program as a prerequisite to appointment to any municipal police force. The League is represented on the New Jersey Police Training Commission which sets standards for the fourteen training centers providing this basic education. Two thousand new local policemen were graduated in the last 2 years alone.

"The Commission is also engaged in training programs for supervisory personnel to supplement the basic courses. Course work in supervisory practices is conducted at Rutgers, the State University, in co-operation with the League and various police agencies. The League was likewise instrumental in the creation of a police chair at Rutgers, now filled by Professor Jack Mark, a distinguished police administrator and educator, who is now teaching police courses at that institution. In addition, several county colleges and a private college are beginning to offer degrees in Police Science.

"A general awareness is growing that the demands of police work can not even be met by the training efforts which I have just described. The President's Commission on Crime and the Administration of Justice has recommended the creation of a new category or level of law enforcement officer, known as the police agent. These individuals, although not assigned to supervisory responsibilities, would bring professional competency to certain aspects of law enforcement now carried out by regular patrolmen. They would have Associate or Bachelor degrees as an educational requirement and salary levels would have to be drastically increased to attract such persons into police work. This recommendation has been generally endorsed by Attorney General Sills and many others.

"The League is studying these recommendations, and had reservations only concerning the financing factor, on which I will elaborate later.

"Unfortunately, however, there is not general agreement among State agencies in New Jersey as to the need to thoroughly professionalize police work by requiring courses or degrees in Police Science, and this brings me to the second area of League interest, that of the legal structure within which municipalities must set standards, recruit and retain qualified policemen.

"A Bergen County community recently sought to require an Associate Degree in Police Science as a prerequisite to qualification for appointment to the rank of sergeant and a Bachelor's Degree as a requisite to appointment as lieutenant. The details of the procedure are still being worked out because Civil Service regulations do not now allow municipalities to set educational requirements. Along the same lines, Assemblyman Vander Plaats and several co-sponsors have introduced Assembly Bill 291 allowing municipalities authority to set educational requirements for promotional examinations.

"A related legislative obstacle standing in the way of career police work has to do with the present prohibition in the law against promotions from outside of the department. Under the present law a patrolman in

one municipality may not take an examination for sergeant to fill an opening in an adjoining community, nor can a sergeant move up to a lieutenantancy in the same manner.

Likewise, under present law, all individuals, regardless of training must start at the bottom rank and one cannot enter police service at a higher level, regardless of educational background. These restrictions discourage many individuals from spending the time and money required to obtain a Police Science degree. Our police departments are thus deprived of the services of such professionally trained persons.

"This brings me to the first specific recommendation that the League would like to suggest to this Committee: The Legislature of New Jersey should undertake a broad review of Civil Service procedures in order to bring about changes which would enhance the professionalization of police work.

"The higher standards and increased professionalization which we are advocating, of course, put municipalities in the middle of a dilemma. It is obvious that if we are to attract college trained career police officers we must offer them salary levels which will compare competitively with private industry. This means that we are talking about starting salaries of upwards of \$8,000 or \$10,000 for college trained policemen and higher for

supervisory and command personnel. This raises the matter of financing which is the League's third area of special concern here today. Municipalities are hard pressed to pay present salaries, even though these are admittedly inadequate. Police forces in many communities are understrength because the salaries offered have failed to attract sufficient applicants.

"Recent legislation permitting municipalities to waive the statutory residence requirement and recruit residents of other communities has helped this situation somewhat. Assembly Bill 422, now before the Senate will ease the situation further by permitting municipalities to hire policemen up to the age 35 instead of the present limit of 30. But municipalities, with their existing fiscal resources, could not realistically be expected to increase police salaries ranges a full 30% (in some cases) which would be required to meet the suggested \$8,000 to \$10,000 range. Some type of financing other than the local property tax must be found.

"To summarize briefly, the League has always supported increasing the qualifications of policemen and we support suggestions for even higher standards which have been outlined here. The League feels that the State laws regulating police recruitment, qualifications and hiring must be revamped to expedite, rather than impede, this pro-

fessionalization. Finally, the League recognizes the need for higher salaries as a key to the desired professionalization, but at the same time we caution that such expenditures are beyond our financial capacity without additional state aid or the creation of some additional revenue source. Thank you."

THE CHAIRMAN: You did cover one of my questions that I was going to be interested in, and you mentioned the residency situation in which by statute, I think, last year this was opened up so you could recruit outside of municipalities. But apparently we are now finding local ordinances which require moving into the municipality within a one-year or two-year period. Now, what is your attitude toward this? Are we at the point where we should permit, as we do with teachers, non-residency of police?

THE WITNESS: I believe, Your Honor, you are going to be forced to this. You are going to have to limit this. I know in many communities men have already established homes and certainly it would not be advantageous to them to move into another community. They have their homes established there and it would probably be a hardship case for him. I believe this should be waived if you are viewing these.

MR. LUMBARD: Mayor, your statement started out-- I think it was an excellent statement, by the way--the

first page saying that the causes and important factors to consider with respect to crime are many, social, economic and judicial, as well as the day-to-day aspects of police work, but that the League, as an organization, is not addressing itself to these factors, since they will undoubtedly be explored in depth by other witnesses. One of the important things about this hearing is that very few people have spoke about these other factors in depth, if at all. Do you, therefore, have any comments you would like to give the Committee about the social, economic, or other factors as to crime?

THE WITNESS: Sir, I am not prepared on that.

MR. LUMBARD: I am not saying this as criticism.

THE WITNESS: I would have to give this some study before I make a statement.

MR. LUMBARD: From the Chief Justice on down many, many witnesses have made suggestions to the Committee about the Municipal Courts and they almost invariably address themselves to the effect that the Municipal Courts should be abolished or merged into some new kind of expanded District Court. Do you have any comment on that?

THE WITNESS: I am very well satisfied with my own. I do know that other municipalities adjacent to myself are having problems. We took care of our court several years back when we had seen this problem created. We

built a brand new building and established it well and we are up to date. We are not like the normal county. I have a full-time judge and I also have an associate for him and in the summer we handle as high as one hundred twenty-five, one hundred fifty cases a day. In fact, I discussed this with the Governor the other day and I am very satisfied with the way that it is. Now, I am not saying that other communities are not having problems, but we seen our problem being created here some ten years ago and we took care of it then. So we don't have this backlog or this continuation of cases, and so on and so forth, or the man was held up for days before the judge could hear his case. My judge sits every morning at eight o'clock and when necessary he sits all day long. We set aside evenings for traffic cases, and so forth. I am very proud of my system and certainly I would like to continue it in my own city.

MR. LUMBARD: Does the League have a recommendation?

THE WITNESS: Well, I have with me today the EXECUTIVE-DIRECTOR. I believe you are all acquainted with him.

Bob, would you like to make a statement on this?

THE EXECUTIVE-DIRECTOR: Mr. Lumbard, we have no recommendations at this time. However, the idea has been broached on several occasions. I believe as soon

as Justice Weintraub was sworn in as Chief Justice, at one of his judicial conferences he broached this doing away with the Magistrate Courts and it met with a great deal of opposition. I think you can say there are arguments on both sides. I think some of our courts are in pretty good shape, such as Mayor James'. They do not look forward to turning it over to a state system.

If backlogs are going to exist, for instance, in Cape May County, this would not help Wildwood where the population is the most dense in the summer, and this would happen in a great many areas if it's going to engage in a large amount of travel in order to obtain this justice and be waiting periods of time because of these backlogs. The municipal officials are not going to welcome it.

In other cases I have talked to some smaller areas and smaller communities and they say they will have no objection to doing away with a part-time magistrate, because actually all they are getting are the costs, and the expenses of running a court are exceeding the costs.

I think by removing some of the political situation and setting standards for the court, and there have been arguments among the attorneys of having it a Court of Record and more closely controlled by the Supreme Court and perhaps even giving tenure to qualified legally-trained judges, the courts could be brushed up, and

rather than being wiped out it could be reorganized and restandardized in an effort to be made to work better.

THE CHAIRMAN: By increasing the standards and making it so the standards could be enforced and perhaps regionalization where it applied rather than a blanket wipe-out?

THE EXECUTIVE DIRECTOR: That's right. Because many times in New Jersey we have one panacea and one pattern and we commit more problems by trying to make the cloth fit the pattern and it doesn't work.

SENATOR DUMONT: Mayor, in your statement you mentioned the Assembly Bill that enlarges the age. One recommendation was made to lower it on the other end, age twenty.

THE WITNESS: I think that would be out of the question, Senator. I just had a recent examination given in the City of Wildwood. There were twenty-one men taking the examination for police officer. One out of the twenty-one passed. Now, immediately I was going to put forth the tool which you fellows made possible for us on reaching out to the adjacent community. So I immediately called Civil Service to call for another examination because I needed five men to fill my staff and they immediately called another examination and five did pass. But I would say that the standards, Senator, should be at

least thirty-five years of age. I know that I through experience have lost some men that we hired on a temporary basis. If you are acquainted with / ^{our community,} in the summer we take on seventy to eighty or ninety additional men, and I had some wonderful men there but they were above the age limit. They were thirty-two, thirty-three. I even had some from the education profession come down there. They are my summer officers. They want to make that their life's work. They liked that type of work, police work, but they were ~~past~~ the age limit and couldn't qualify.

SENATOR DUMONT: Does the League have any position with respect to the Witness Immunity Law; also with respect to the more difficult question of the use of wire tapping or electronic devices as aids to law enforcement?

THE WITNESS: Senator, we have never discussed that.

MR. LUMBARD: Do you have any opinions, or does the League, on the subject of consolidating police departments? The Attorney General testified on the first day of hearings that there was something over twelve thousand policemen in the State of New Jersey and four hundred twenty-one police chiefs. Do you have any comment on that?

THE WITNESS: I probably would be a little selfish if I made a little comment on that, and I have no comment.

MR. LUMBARD: Does the League have a position?

THE EXECUTIVE-DIRECTOR: Other than outright consolidation, we have been advocating that not only in the public safety field but in a great many other fields, and it is starting to pick up. We have not had a great deal of experience with it. We have found that officials will go out and buy contracts, and we are having more and more of this throughout the state. I read yesterday where several of these are in the making with ordinances.

Perhaps because of the pension provisions and other things, maybe we need more than the Consolidated Services Act.

Maybe we need one to apply to the police activities.

We have found in many of our consolidation activities we had the Consolidated Services Act but we had very little use of that Act in this state. Whenever we go for it, we get it for specific services, such as garbage disposal and such essentials. Always for particular fields we have another special Act, so there seems to be some question as to whether the general act applies when we get into specific fields, and we do not have a Consolidated Service Act as such in the police.

MR. LUMBARD: Do you think that would be desirable?

THE EXECUTIVE-DIRECTOR: I think it would be something to spur on. But I am sure the police would not be for such an Act if it were to be introduced.

MR. LUMBARD: You think they will be what?

THE EXECUTIVE -DIRECTOR: Right to the forefront, because in the past they have objected to these things, such as opening up the residency, opening up the age, and other things we have asked for.

THE CHAIRMAN: Interestingly enough, we have had some testimony that there may be a change of heart. We are all interested in finding the answer.

MR. LUMBARD: It appears that the nature of the problem of crime and crime control has apparently finally reached some kind of crest where everyone is a little more receptive to breaking the mold than they used to be, and the reason for not doing it in the past seems to have slipped away in the past several years. Perhaps police consolidation would be of major interest to your organization.

Really, what can a one-man police department do these days? Maybe it's an illusion, which is even worse than nothing in terms of protection.

THE CHAIRMAN: Thank you very much, Mayor.

(Witness excused.)

THE CHAIRMAN: We will now take a short recess.

(Recess taken.)

MR. BERCIK: Senator, I would like first to introduce my fellow Commissioner, Joseph Kaitz, a New York appointee

to the Waterfront Commission, and our Executive Director and General Counsel, William P. Sirignano, and our Chief Investigator, Tom Jones.

THE CHAIRMAN: And for the record you are--

MR. BERCIK: Steven J. Bercik.

S T E V E N J. B E R C I K, sworn.

THE CHAIRMAN: Do you have a statement you care to make?

THE WITNESS: No. As far as the statement, rather than reading the statement, I would just like to present it to the Committee. Basically the statement is in answer to the telegram sent to me. It includes the jurisdiction of the Commission, how it operates, a little brief history of it, the legislative statutes under which we act, the powers of the Commission and just how it operates.

MR. LUMBARD: Can you summarize the essentials of the statement insofar as current conditions are concerned?

THE WITNESS: Just give me a moment.

If the Committee would allow, I would like to refer to our report.

MR. LUMBARD: For what year?

THE WITNESS: This is our last year's, but it's still applicable, we feel.

MR. LUMBARD: Well, last year's was 1965 and 1966, which means we are almost two, three years away from some

of the things that would be in that.

THE WITNESS: Well, when you asked the question, Mr. Lumbard, with respect to me summarizing as to what the situation is today, what are you referring to?

MR. LUMBARD: All right. I will question you.

The first page of this statement you presented to the Committee says that the Commission was created in response to certain problems. Let's discuss what those problems are today.

First, as your statement says, "Open and notorious conditions along the waterfront concerning the iron-fisted control of the labor force by criminals."

Could you address yourself to that first in current terms?

THE WITNESS: Well, we still feel that we have a situation that calls for the existence of the Commission, that there must be a continuance of our agency to license longshoremen and stevedores, all whom we license in order to be sure that we keep off the waterfront criminals or anyone who is connected with organized crime. Our investigations show that unless we keep on top of the situation, that the waterfront could easily revert back to the situation it was when the Commission came into existence.

MR. LUMBARD: Would it be fair then to say there

is a serious problem of crime on the waterfront, as far as New Jersey is concerned, at the present time and that the Commission is needed to suppress and hold back that problem?

THE WITNESS: I would say yes. There must be a continuing effort to police, under the jurisdiction that we have, the New Jersey waterfront and that if we do not, that immediately there would be a takeover by organized crime.

MR. LUMBARD: By organized crime?

THE WITNESS: Well, yes. I would say by the underworld, as we know it.

MR. LUMBARD: Could you be more specific in that regard without violating any current investigative activities that you have?

THE WITNESS: May I at this time refer that to our Executive Director?

MR. LUMBARD: Surely.

THE CHAIRMAN: Sir, would you be willing to go under oath?

MR. SIRIGNANO: Yes, sir.

W I L L I A M P. S I R I G N A N O, sworn.

MR. SIRIGNANO: Ever since the creation of the Commission one of the things that it has accomplished is to free the waterfront from at least the open and notorious

representatives of the underworld. We have taken over the control of the hiring. We have regularized hiring so it's done through our hiring halls. It is done on an objective basis with respect to seniority, which the Commission enforces. The favoritism that took place because of the payoff is gone.

Now, ever since the Commission was created, the forces in the union area, even though they do not exist in the formal setup, in the background are still anxious to get rid of the Commission. On every occasion that presented itself where there could be a controversy with the Commission, they engage in that controversy in order to discredit the Commission. This has happened throughout the history of the Commission.

Now, the Commission has eliminated from the ranks of labor actually the people with the criminal records. We do not believe, however, that because they do not appear on payrolls that they are gone and their influences are gone.

Particularly expressing ourselves to New Jersey, we do have areas on the waterfront that are not under the control of the Waterfront Commission where we do not register the men that work in these areas, and we feel that in these areas there still exists the selection of people for particular jobs, although they are fringe areas

of the waterfront, by the underworld personages.

One of the areas I am talking about now is the warehouse area. The Waterfront Commission registers people who work on the docks to move the cargo on and off ships. They do not register people that work in the warehouses, who handle that same cargo, once it is removed from the ships, to the back areas of the warehouse, and ^{there} are

found people with criminal records, still getting employment, still working with cargo. In fact, in many instances where the Commission has precluded someone from working on the waterfront, we find him working in the fringe areas.

MR. LUMBARD: Now, Mr. Sirignano, could you be more specific in terms of the control or attempted control of the waterfront by organized crime on the New Jersey side of the harbor?

MR. SIRIGNANO: Well, I could be specific to this extent, and this is a matter of public record because we have a case pending in the New York Courts at this particular time: In these fringe areas that I am talking about we find an operation which is called strapping, that is, a consignee who is sending some cargo overseas or who receives some cargo that must be strapped together or packed before shipment. There is a company that's grown rather forcibly in the recent years known as the Erb Strapping Company.

MR. LUMBARD: How do you spell that?

MR. SIRIGNANO: E-r-b. Now, Erb Strapping Company was originally started by Vito Genovese and is now being operated by his brother, Michael Genovese. Although it's a New York company, recently it's gone through extensive activity in the Newark area. Now, we are conducting an investigation of this company to determine whether they are getting into the waterfront area and should be a licensed company, and in the event it should be a licensed company, they will be forced by the Commission to file for a license and if we found that underworld influences were found to be in this company, of course, they would be denied the license and they would be out of the waterfront.

Unfortunately, an action was brought in the New York Courts to enjoin us from going ahead with this investigation, and the judge of the Supreme Court has enjoined us from going ahead with this investigation further. We are taking that under appeal.

MR. LUMBARD: What judge was that?

MR. SIRIGNANO: I think it was Judge Spiegel.

Now, that is an example that you asked for to point up where the underworld is still in the fringe areas of the waterfront.

MR. LUMBARD: Could you particularize, Commissioner,

or Mr. Sirignano, or anyone, how organized crime operates or is effective on the waterfront, the New Jersey side?

MR. KAITZ: I don't think you can make any distinction between the Jersey City or the New York side. I think it may be all the same.

MR. LUMBARD: Maybe that's something you should say. Until you say it, I can't say it.

MR. KAITZ: I haven't taken the oath. I would be glad to do that for you, sir.

THE CHAIRMAN: Come aboard.

J O S E P H K A I T Z, sworn.

MR. BERCIK: This is Commissioner Kaitz, the New York Commissioner.

MR. KAITZ: I have lived with this situation for quite a number of years, as you know, going back to the years 1951, 1952 and 1953 when the New York State Crime Commission undertook the investigation at the direction of Governor Dewey, we found, as an example I would like cite here, on one typical pier in this port, only one pier, three hundred thousand dollars in loading money was taken in by the union in one year. You multiply this by the fantastic figure of about seventy piers and you have an astronomical amount of money which filtered into the underworld.

MR. LUMBARD: Is that still continued today?

MR. KAITZ: No, sir. Public loading has been outlawed by the Act.

MR. LUMBARD: By union, you mean which?

MR. KAITZ: The ILA.

MR. LUMBARD: The International Longshoremen's Association?

MR. KAITZ: That's right. Public loading was a system whereby a group of longshoremen would take over a pier, did not have any equipment, did not keep books and records, did not even have a company organized, but would charge five cents per hundred weight or five cents a box of oranges or a box of apples, and this amounted to a fantastic amount of money. This sustained the underworld.

We had people--I don't think I should go into any of the names--I think you, Elliot, know what I am talking about--who became fat and rich and important and powerful in the underworld as a result of this, and this one stroke of the Act eliminating this broke the back of the underworld on the waterfront.

Now, there are periodic attempts on the part of the people that were eliminated, because of prior records and prior reputations, from coming back on the waterfront to come back on the waterfront. They continuously approach me as the Commissioner, and others of the organization, to see if they can come back, saying, "Well, we have been

out for fifteen years and now we should come back." These are people with records like being arrested for ten murders. I am not exaggerating this one bit, and I would like to state to you now that the day the Commission came into power or took over there were thirty-three unsolved murders directly attributed to the waterfront which involved control of the piers and we made an analysis of these murders and found that in about seventy-five per cent of the instances the same witnesses were picked up by the police and questioned in connection with this and seventy-five per cent of them, hiring agents, dock bosses, assorted personnel, loaders, these were the people that were destroyed, murdered because of control of the waterfront.

Now, where did they all go, the people that we eliminated, and I don't mind telling you. They went to the stagehands union, the plasterers union, the operating engineers union; that's where they are. And they are just waiting to pounce back on this situation and come back into power again. The record is replete with these names, these people that would come back in a moment, and if you would just relax your vigilance for a minute, they would be back in this operation again. Because this was a most lucrative thing going.

MR. LUMBARD: Now, one of the things that this

Committee has had brought to its attention is the problem of organized crime in New Jersey. On its very first hearing the Attorney General testified to seven "families" operating in this state, and there has also been testimony to the effect that no major cases have been made against the top figures in those "families" within recent years by state or local people.

Could you address yourself, any of you, if you can, as to how this general problem of organized crime is reflected or related to the problem of organized crime on the waterfront that you just discussed?

MR. KAITZ: Well, there is a word that you are acquainted with, the word "fear". As somebody very big in this business once said, "We don't need more policemen, we need more witnesses." We just can't get witnesses. You can't get people to put their lives at stake when they testify. This has been a problem for years. You have it all over the country, not only here.

MR. LUMBARD: That brings us right down to several matters that are immediately before the Committee. Would your Commission recommend the use of electronic eavesdropping for the purpose of investigation and prosecution if under proper court supervision and control?

MR. KAITZ: Very close supervision.

MR. LUMBARD: You would so recommend?

MR. BERCIK: Yes, sir.

MR. SIRIGNANO: May I elaborate? I am sure the Commission will join with me. I have had law experience, law enforcement experience since 1939, First Assistant District Attorney of Tom Dewey and then Frank Hogan and since 1954 with this Commission, and Commissioner Kaitz has a similar background in law enforcement, and we are in agreement with all people who are experienced law enforcers that there is no more effective tool in the proper case than the eavesdropping technique.

MR. KAITZ: I join in that.

MR. LUMBARD: Now, the second proposal that is presently before the legislature concerns a Witness Immunity Statute. Would your Commission have any views in that regard?

MR. SIRIGNANO: We are fortunate in this respect: We are one of the few agencies that has any relation to Jersey that has the power to grant immunity. We got that power in 1955 through the passage of law by the States of New York and New Jersey and we have used it very effectively. There are many times with the investigation of people who are on the waterfront as to whether they should remain there or not, that their associates may have been acquainted with an illegal enterprise, brought to court but because of lack of

evidence they have been released. Now, once that case is disposed of we use these people as witnesses by granting them immunity and get the testimony about the people who are on the waterfront who should not be there.

MR. LUMBARD: In other words, you have a peculiar immunity statute confined only to your Commission?

MR. SIRIGNANO: Yes; confined to matters that are within the jurisdiction of the Compact.

MR. LUMBARD: Now, since you are perhaps the only one that I am aware of that has this to use in the State of New Jersey, can you dwell a minute, therefore, and particularize for us how it has been used and what use and what effective use it is?

MR. SIRIGNANO: Yes. In one connection we took the statute and had it tested right to the Supreme Court of the United States. Coincidentally, however, that test came in connection with a New Jersey investigation. We were investigating at that time whether the Murphy brothers of Hoboken were instrumental in backing up and starting an unlawful course of strikes against the American Export Lines. In that particular case the American Export Lines, being desirous of beefing up its guard and its protection against the loss of cargo by pilferage or theft, hired an ex-police officer who had also served with the Commission as a chief security

officer, and Willy Murphy and his brother, Frank Murphy, led a strike against the American Export Lines until they said they would dismiss the security officer.

In that case we questioned Willy Murphy and he refused to answer on the grounds that it would incriminate him. Now, at first he refused to answer. We took him into court and held him in contempt and he was fined and sent to prison and then he came back and he claimed his privilege of not answering. We granted him immunity. He still refused to answer. We put him in jail and brought him back again and then he claimed a federal privilege on the basis that if he answered our questions in the state proceeding he might be involved in federal crimes, and this case went up to the Supreme Court of the United States and it was in that case that the Supreme Court established that immunity given by a state would also carry with it immunity as to answers in a federal proceeding and vice versa.

MR. LUMBARD: As to matters revealed in the answer, not as to general testimony?

MR. SIRIGNANO: We argued before the court that if independent evidence would be developed and was not in any way linked to the answer, he would be permitted to be prosecuted.

MR. LUMBARD: And if he does answer falsely, he is

subject to prosecution for perjury?

MR. SIRIGNANO: That is correct.

MR. LUMBARD: And if he doesn't answer at all, he is subject to contempt.

MR. SIRIGNANO: And to be incarcerated until he answers.

MR. BERCIK: We had another one.

MR. SIRIGNANO: In another case we had an ex-police officer of the City of New York who, because of his associations with certain underworld figures that had fringe interests in the waterfront--one was "Buster" Bell, who was recently convicted in the bribing of a jury trial together with Hoffa down in Tennessee--"Buster" Bell was a former Vice President of the ILA and we kicked him out--but it turns out that "Buster" Bell is on the payroll of this former police officer's maintenance company, where they do maintenance work on ships, painting, cleaning, and he has him on his Baltimore payroll. We also find that he has another fellow^{OW} by the name of John Keefe, who is a member of the mob, on the payroll, the mob that had been thrown out of the union, A 24, and he was on the payroll. We also found in the investigation that Mr. Kogan was doing quite well, that he was getting a lot of money out of people for services he did not provide. In other words, he was overbilling. He would

send two people to a shipping company per day and he would bill for six and then the shipping companies would pay the bills.

Now, we needed evidence to show that this was so, and we needed knowledge, so we got the bookkeeper and we granted her immunity and we were able to establish that he stole about sixty thousand dollars from two shipping companies, one in New York and one more in New Jersey. We revoked his license. He is out of business. But it is being considered for prosecution by Hogan's office as a result of the use of the Immunity Statute.

MR. LUMBARD: Now, have you seen any trends in the organized crime picture on the waterfront over the years that you could report to the Committee?

MR. SIRIGNANO: Well, I think the trend is that although we drive them out of the immediate waterfront they are still in the background lurking, waiting to get back for whatever benefit they get out of the waterfront through the people on the piers. They are still there, I am sure. We are not kidding ourselves. There is gambling going on in the waterfront that filters back to the underworld.

MR. LUMBARD: I am talking about different kinds of crimes that they are getting into. Is it changed or strengthened? That's what I am getting to by way of

trends.

MR. SIRIGNANO: I don't think so, Mr. Lombard.

MR. LUMBARD: You mean it's pretty much the same kind of thing it was before?

MR. SIRIGNANO: No. I think it's pretty much opposite what it was before, and if they are in the waterfront areas it's only behind the scenes and not out in the open.

MR. LUMBARD: Let's talk about loan sharking. Have you had any experience with this?

MR. SIRIGNANO: Considerable. In fact, I think our Commission has the best and most complete record of convictions of any law enforcement agency.

MR. LUMBARD: There has been some discussion as to whether or not the law may be strengthened along that line.

MR. SIRIGNANO: Just recently, it was a few years ago, in co-operation with your former organization the Waterfront Commission made recommendations concerning loan sharking to, one, make the possession of loan sharking records a crime and, two, make it a felony in certain circumstances, and I think it's a very good law because we have had cases where you find reluctant witnesses and you can't prosecute. I think that would be helpful in the enforcement of the law against loan sharking. That's New York law at the present time.

MR. LUMBARD: Have you been making loan sharking cases in New Jersey?

MR. SIRIGNANO: Yes, we made loan sharking cases in New Jersey.

MR. LUMBARD: What's happened to them?

MR. SIRIGNANO: The people who are registered with the waterfront as longshoremen, they have been barred from working on the waterfront.

In the case of Joseph Wilson, who is revoked, he was engaged in illegal loan sharking in the Port Newark area. He had regularly deposited longshoremen's checks of approximately five thousand dollars monthly. We turned that over to the Essex County District Attorney's Office and he was convicted of loan sharking.

In another case, Warren Berg, he was in the Port Newark area. He replaced Wilson after we locked up Wilson, and we revoked him and I think that this case was one of de minimus. I don't think there was any prosecution in his case, but we got rid of him on the waterfront.

MR. LUMBARD: We are interested in the criminal proceedings rather than the criminal action you may take.

MR. SIRIGNANO: It has been our procedure to maintain a very close relationship between us and the law. We work very closely with them and refer matters to them.

MR. LUMBARD: Now, the legislature has had presented to it a bill which would expand the jurisdiction of the Waterfront Commission into the airports in a number of respects. I don't know offhand the numbers of those bills in New Jersey, but I am sure you and I are both familiar with what those bills are.

MR. SIRIGNANO: S. 575.

MR. LUMBARD: Senate 575. I would like to ask you first of all if you have a statement you would like to make in regard to those bills?

MR. SIRIGNANO: We did not come prepared to make any statement, Mr. Lumbard, on the bill. If you have a specific question, I am sure one of us can answer it.

MR. LUMBARD: Well, let me put it this way: Did the concept of this bill originate with the Commission?

MR. SIRIGNANO: No, it did not originate with the Commission. This bill originated out of a crime study conducted by the New York Commission of Investigation, at which time they found a very serious situation in connection with infiltration of the underworld in the Kennedy Airport and a substantial loss in cargo, and as a result of that investigation the Commission recommended that immediate measures be taken to better police the airports and take measures, strengthen law enforcement there or in the alternative come up with a commission

patterned after the Waterfront Commission, at the airports. The next event was the Council conferred with us and asked us to pattern a bill that would do the job at Kennedy Airport, and after many, many consultations between the Governor's Office in New York and also consultations with the Governor's staff in New Jersey this bill was drafted.

MR. LUMBARD: It did not originate then with the New York State Commission of Investigation?

MR. SIRIGNANO: Not in its specific form; only as an alternative remedy to the problem.

MR. LUMBARD: Would it be fair to say it did not originate with your Commission?

MR. SIRIGNANO: It's not only fair, it's an accurate statement.

MR. LUMBARD: I solicit on behalf of the Committee your reaction to this thought: That what the bill does is drive further in the direction of specialized policing functions in a day when perhaps one of the major problems confronting law enforcement is fragmentation, the further sliding apart of enforcement agencies. Therefore, is this the right direction to go?

MR. SIRIGNANO: Mr. Lumbard, I quite agree with your concept that there must be a co-ordination of the police.

MR. LUMBARD: A pulling together, not a co-ordination.

MR. SIRIGNANO: In fact, I not only speak now as a director of the Waterfront Commission, but I also have experience in that area. I am also Acting Police Commissioner of the City of Mt. Vernon, New York. In that connection, to have more effective law enforcement there must be a pulling together from the standpoint of centralization of communications, labs, training, so that you have a more efficient, co-ordinated, available police force to show a community and the surrounding communities.

But I think that's a different concept of what we are talking here. What we are talking here is not police work in the classic sense. This is an area where there has been found to exist, just as in the waterfront, a special problem that needs special attention and it's not a problem that should be passed on in the way of a tax burden to the entire community or entire state. It's a problem that should be corrected not only for the good of the community but for the good of the industry and the commerce involved and supported by the industry it protects.

So it's not a question of fragmentizing. It's a question of setting up an outfit that has expertise and the time and concentration as to the problem in the area

to protect the public interest.

MR. LUMBARD: Well, let's talk about that.

MR. SIRIGNANO: Surely.

MR. LUMBARD: The Waterfront Commission, didn't that originate out of the fact that the problem was right down the middle of the harbor and right down the state line between New Jersey and New York and thus required a bi-state commission, a compact, many peculiarities? Yet the airport, none of the airports that you would be expanding your jurisdiction to are in this state line situation. They are either wholly within the complete jurisdiction of some police force in New York or in New Jersey, and insofar as interstate rationale is concerned, I don't quite get the point.

MR. SIRIGNANO: I did not base the concept of a special police force on a theory of a bi-state concept. It just happened that the waterfront did spread across state lines and needs that to deal with it.

MR. LUMBARD: So do we further expand a peculiarly specialized police force into other areas that are not bi-state?

MR. SIRIGNANO: If that was the only reason, I would agree with you. But if the waterfront problem was limited to one state, I still think the remedy would be a special concentration in that one area and that the burden of sponsoring it should be placed on the industry and not the

state as a whole by the expansion of a police department in that area.

MR. LUMBARD: If you will follow the logic of that out, then you should have a special purpose police agency that just followed organized crime as it may flow back and forth across the river.

MR. SIRIGNANO: No. Because that is a classical function of established law enforcement, to have intelligence on organized ^{criminals,} know what they are doing, to try to frustrate them in what they are doing and to apprehend them after they commit crimes. But that has nothing to do with the protection of private property. Now, if it's your concept--

MR. LUMBARD: I want to make one thing clear: I am not expressing a concept of mine. I am merely trying to get your ideas on the problem for the Committee's benefit.

MR. SIRIGNANO: If there is a problem in Macy's Department Store of extensive ^{theft} then the police should be expanded to take care of that theft and then you would need thousands of guards. But the protection of Macy's is Macy's problem and they have to use private guards for that. Now, if Macy's problem became so acute that it would affect the public interest and hurt the commerce and industry and the economy of the state, then it's time

for the state to step in and do it if Macy's didn't do it. That's the problem we faced with the waterfront and that's what exists at Kennedy.

MR. LUMBARD: This Act not only establishes further jurisdiction for your Commission but it imposes a tax on the air industry and aeroplane industry, I gather, so that not only ^{do} they / ^{furnish} a special police force but they have to have some special new tax for that. And I would just add that should Macy's and Gimble's have a special purpose police force, should they add a tax so that Macy's pays a special tax? So it's not quite as clear as that.

Which then raises the question: What did the industry do unlike the shipping industry years back to warrant this tax being imposed on them? Your opening sentence really starts right out, in your report that you give us, in saying that the Waterfront Commission had all these terrible problems, "and the apparent inability or unwillingness of the industry to clean its own house."

There hasn't been any showing that the air industry, to my knowledge, is wholly irresponsible in terms of its duties as citizens, let's say, and warrant the tax. I am merely not so much concerned about the tax as I am the splitting up.

Let's take on the New York side where you have first the Transit Authority created and then suddenly the

Transit Authority has to have a police department and then the New York City Police Department withdraws. Logically, the rationale keeps expanding and it's about the second largest or third largest police department in the state. Then the Housing Authority is set up and then they have to have police, and it's a thousand or more policemen, one of the largest in the state. Now you folks come along, establish a special purpose police force, and the New York Police Department withdraws from the waterfront. Now a problem arises in the airports and the answer is to shrink the New York City Police Department so he doesn't have to cover that, either. Sometimes there comes a point, "Where are we going with all this rationale, with this special purpose police force?" And the same thing is true with this force on the New Jersey side. That's really the point.

MR. KAITZ: You asked a question and I say, "What's wrong with this?"

MR. LUMBARD: Is it working?

MR. KAITZ: First of all, you were talking about New York City, the Transit Police, and there are a lot more police that you haven't even named. The first mistake was that the city was too big and the problem has become way out of proportion. It's almost unmanageable. As I read yesterday, you have about twenty-eight thousand

policemen in the City of New York and you add these other police, if the police department were to assume all this jurisdiction you might wind up with thirty thousand, forty thousand policemen. You would have a private army.

Now, there is specialization taking place. The Transit Police do only their job. Private property should be policed that way. I don't believe the police should police private property unless a crime is committed or unless they know it's going to be committed.

MR. LUMBARD: Well, that's a very controversial subject. It's one thing when you say that about a large plant, but surely you don't mean that everyone should have a guard for their house.

MR. KAITZ: Not at all. But if he knows a crime is going to be committed in his house, he gets a policeman there.

MR. LUMBARD: Private police?

MR. KAITZ: City police.

MR. LUMBARD: Well, that's what we are trying to suggest, that the city police should have the responsibility to cover the entire territory.

MR. KAITZ: That's a matter for local areas to decide, who they want to do this job.

MR. SIRIGNANO: May I also comment on that side? The one distinction that exists between the Transit

Authority and the Housing Authority is that both are public functions and operated as such. The airport is privately owned and privately operated.

Now, you asked a question before and I would like to address myself to that because I think it's important in the consideration of this legislation and that is that there has been a showing that the airlines have reached the stage of corruption that was shown on the waterfront years ago. But at this point the difference between the airline situation and the waterfront situation is that the underworld presently is beginning to insinuate themselves in the airport air cargo industry and it's at the beginning stage and this is the way it started at the waterfront and it wasn't long before they became imbedded with the operators and it became a business and a way of life and that's why this bill is important to prevent it from reaching that stage, to reach the underworld.

SENATOR McDERMOTT: Mr. Sirignano, in your testimony you cited where the ILA went into court and a New York Supreme Court Justice issued an injunction. More recently I understand the ILA also resorted to court action to enjoin the opening of the register. How many other instances have there been where the New York ILA has gone to the New York Courts?

MR. SIRIGNANO: I am not prepared to give you a detailed list, but I can quote the former President of the ILA when he said he spent over a million dollars to fight the Commission and hasn't won a case.

SENATOR McDERMOTT: You are talking about the New York Courts?

MR. SIRIGNANO: Also Jersey Courts.

SENATOR McDERMOTT: You are a bi-state organization. Would it be feasible for this legislature and the New York Legislature to somehow or other give the bi-state Water Commission immunity from local courts and put any action directed against the Waterfront Commission to the federal authorities?

MR. SIRIGNANO: No, it would not, because you cannot create jurisdiction in the Federal Courts. It's not there. But it has been done.

Now, in connection with the case you mentioned, in testing the Commission on its right to open the register, as to whether it was arbitrary or capricious, this legislature and the New York Legislature provided that we would skip the first step to the Supreme Court and go before a single judge and take it directly to the Appellate Division where it is heard by five judges.

SENATOR McDERMOTT: I realize that no state legislation can infer jurisdiction on the Federal

Courts, but it's apparent that anybody who sued you would have to go in the Federal Courts because of ^{diversity} of citizenship and take you out from under the New York Courts and take you out from the Jersey Courts.

MR. SIRIGNANO: That's such a complicated proposal, I am not prepared to answer off the cuff. I would like to study it.

SENATOR McDERMOTT: Has the ILA ever resorted to the Federal Courts to forward the action of the Commission?

MR. SIRIGNANO: Yes. In connection with their unlawful labor strikes, it is the ILA's procedure, because of the existing procedure under the Federal Rules, that all you have to do is file a petition to remove in the Clerk's Office of the Court, to immediately remove ex parte and you find yourself in Federal Court and then you have to argue it again back in a State Court.

SENATOR McDERMOTT: Precisely my point. When union is smart enough, and certainly from what you said, well-heeled enough to put the money into lawsuits to slow you down, impede you, discourage you, all of the other thoughts I can direct to this, what I am trying to say is that I would like to find some means to protect you from this kind of rear-guard action and delay and make their remedy solely within the Federal Court System.

MR. SIRIGNANO: Senator, would you give us some

time to consider that and get back to you with a memorandum on that?

SENATOR McDERMOTT: I certainly would. I am very concerned about this.

I want to ask you another question, too. Is there less likelihood of possible political interference if you were put in a Federal Court System? Being a New York and New Jersey attorney I have some experience in both.

MR. SIRIGNANO: May I answer that question privately?

SENATOR McDERMOTT: I accept the answer.

The final question I would like to make, there has been a lot of testimony before this body here about the problems in the urban cities and what we expect to be a "hot summer", and there are many of us that believe that if we put people to work and they are not idle it would certainly cut down on the possibility. The bi-state waterfront is to be commended for opening the registry for the benefit of New Jersey residents and these are residents, I presume, who would be looking for ^{this} type of job in Newark and Elizabeth. I understand that now an arbitrator has ordered that instead of opening the registry you are to use the system of "floating gangs" and pay a premium.

MR. SIRIGNANO: I would like to get that in the

proper prospective. The arbitrator, who was called in to settle the dispute between labor and management that didn't exist, came out with an award that said nothing more than what was already in the previous contract before and it was just reiterated and we suspect that one of the things they agreed upon is that they agreed to resist the hiring of these men. Now, in that event, I already suspected this and made a motion to dismiss the suit and I am sure that the attempt at this will be ^{made} in New Jersey, that is the court action to enjoin them from refusing to hire these men, these new men that we are adding to the register. Now, what we are trying to do is settle this between the parties, labor and management, and management, whom we are seeking to help with the addition of men because they are suffering from shortages, has agreed they would hire gangs that could be formulated and pay them extra. Now, we don't think this is going to be successful and we do feel that the men that are added to the register are going to be utilized in Port Newark.

SENATOR McDERMOTT: In this appearance before the Appellate Division, were you endeavoring to set aside Burton Dirkson's Award? Inherent in there is the question of whether or not this is a valid award.

MR. SIRIGNANO: The award has nothing to do with

it because the award never amounted to anything. It was a face-saver to get the union, who was on strike with no place to go, back to work.

SENATOR McDERMOTT: Why can't the ILA come back in later and try to enforce this award in the courts? There is always a question of fact.

MR. SIRIGNANO: Well, the award has no effect on the Commission whatsoever. It is a matter between the two contracting parties.

SENATOR McDERMOTT: I get you now. You are talking about the award endeavoring to get the companies not to use the men from the register; is that it?

MR. SIRIGNANO: That's right. To add to that, Senator, I think one of the important concerns of the Commission is the fact that the ILA is attempting to remove from the jurisdiction of the Commission this power to open the register when labor is needed. If the law is set aside, as they are attempting to do right now in New York, it is our opinion that it would be the same thing as giving control of the labor supply to the union. Because in the past it has shown that even though they have had a committee between industry and union, five members of each organization, that, in effect, the union has been able to maintain the control and has been able to, with whatever way possible, always to have the

industry go along with what they want, and even in this particular instance, this strike, even though the industry joins with them in opposition to our decision, they still struck to enforce and coerce us to rescind the order and it was their tactic to attempt to rescind it by the threat of a strike and then to encourage other important or powerful labor unions to bring this mediation to mediating something that couldn't be mediated, something that was a statutory responsibility. If they are in strike after the decision, they will then be striking against the court itself, not only the Commission.

Originally the Commission had what we call an open register. Anyone who felt he wanted to work on the waterfront, all he had to do was apply to our Commission and set forth the qualifications, character qualifications, and then present himself into our halls and then if the employer needs men, he could be hired. Industry and labor joined together back in 1965 to ask for a closed register under the argument that they are looking for a reduction in gang sizes and they must have a control over the labor situation in order to properly effectuate that. They introduced a bill in New York which gave them the control of the register to take on men when they decided they needed men and if they couldn't agree, to go to a privately paid arbitrator of the two parties. The

Commission vigorously opposed this bill on the theory that it would not protect the public interest and this was approved. They are concerned about their own private motivations. The bill passed both Houses of the New York Legislature in 1965. The present District Attorney of Queens County was the spearhead, Senator Mackle at that time, of this bill. But we prevailed upon Governor Rockefeller then to veto this bill. This next year they again revived their thrust and because they found that both New York and New Jersey were dead^{set} against giving them control of the register, they agreed that the Commission would have the ultimate determination in making the decision, even though they didn't want the register opened, and its on this bill that we acted in this particular case. Now, they have re-introduced the bill to give them the control, which is pending in the New York Legislature and if it is successful there, and I am sure it will be, they will be down in New Jersey.

SENATOR McDERMOTT: Who is responsible now that Tommy Mackle is Prosecutor?

MR. SIRIGNANO: I don't have it at my finger tips, but I am sure it's someone from Brooklyn.

SENATOR DUMONT: In this last action didn't you open the register only as far as New Jersey applicants were concerned?

MR. SIRIGNANO: Yes, sir.

MR. BERCIK: No.

MR. KAITZ: For both states.

MR. SIRIGNANO: What we did was open the register and we have no control over saying where the man may come from. We held the register opening in New Jersey on the theory that this is where the men need it ~~most~~. Most of them did come from New Jersey and they will be limited to working in the Jersey area for the time being. They will be employed in the Jersey area.

THE CHAIRMAN: Just one question. Back to the airlines situation. Has there been any showing that the problem involved apparently at J.F.K. also exists in the New Jersey airports?

MR. BERCIK: I think Mr. Sirignano can bring you up to date, but it's the same union in New York as operates in New Jersey and then the transfer of some of the air cargo that comes to Newark from New York. Mr. Sirignano has been working on this problem.

MR. SIRIGNANO: Kennedy is an international airport for the arrival and shipping of international freight. Jersey is the receiving and distributing station for Kennedy. The same cargo that comes into Kennedy is transferred or received in Newark. The same truckers and freight forwarders operate in both ports. The same

union which has been shown to have the same undesirable characters also has the jurisdiction, Local 195, in the New Jersey area, and although there hasn't been a showing of the problem, the problem is serious in the present time in the Jersey area. The growth of air cargo is going to be phenomenal and the problem is going to increase, and in order to step it on a unified basis and a complete basis, I think that both states should be concerned about this problem and pass some legislation.

THE CHAIRMAN: Anything further?

Thank you very much, gentlemen.

MR. BERCIK: Thank you.

THE CHAIRMAN: I think that closes our hearing for this afternoon. Ten o'clock tomorrow morning we will have a press conference meeting.


NEW JERSEY LEGISLATURE CRIMINAL
JUSTICE STUDY COMMITTEE

Wednesday
April 3, 1968

State House
Trenton, New Jersey

CERTIFICATE

I, SEYMOUR KOPF, a Shorthand Reporter and
Notary Public of the State of New Jersey, certify that the
foregoing is a true and accurate transcript of the pro-
ceedings taken at the place and on the date hereinbefore
set forth.


SEYMOUR KOPF, S.R.

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